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## JANUARY MEETING, 1892.

THE stated meeting was held on Thursday, the 14th instant, at three o'clock, P. M.; the President, Dr. GEORGE E. ELLIS, in the chair.

After the reading of the record of the last meeting and of the list of donors to the Library, Dr. SAMUEL A. GREEN, in presenting a copy of an old journal, made the following remarks:—

Among the manuscript volumes belonging to the Historical Society is a diary of Lawrence Hammond, of Charlestown, kept two hundred years ago, which was given on March 11, 1858, by Miss Elizabeth Belknap, together with other books and manuscripts once owned by her father, the Rev. Dr. Jeremy Belknap. The journal consists of forty-three closely written pages,—though not always in regular sequence as to dates,—besides some blank ones, and was unbound when it came into the possession of the Society. It has since been bound, however; and in the copy now presented for the Proceedings nothing is omitted, with the exception of a few pages on ancient history and King Henry VIII., though no attempt has been made to arrange the entries in chronological order. A minute scrutiny of the folds of the paper comprising the volume seems to show that once, before it came here, there were more leaves in the book than there are now, and perhaps in tearing off the missing portion, presumably for the most part blank, in order to use the paper, some of the writing was lost.

At different periods this diary has been consulted by several historians, who refer to it in their pages. Thomas Prince, in the Preface to his *Annals* (page vii), mentions it as “An Original *Journal* of the late Capt. *Lawrence Hammond* of *Charlestown* and *Boston*, from 1677 to 1694, inclusively”; and in a note written by him on a letter from Thomas Hinckley to Isaac Foster, he refers to certain entries in the journal not now found there. (See *Collections*, 4th series, V. 13.) Dr. Jeremy Belknap, in his *History of New Hampshire* (I. 151,

*note*), speaks of it as "a MS journal found in Prince's collection, and supposed to have been written by Captain Lawrence Hammond of Charlestown"; and uses it as authority for certain statements relative to an attack near Dover by the Mohawk Indians (I. 153), as well as for statements relative to the appointment of a commission to make a treaty of peace with the Indians (I. 158),—whereas neither of these events is even alluded to in the manuscript volume. This comparison shows that in Prince's day the journal extended over the same period of time as it covers now; and, furthermore, that then, as well as in Dr. Belknap's day, it contained more entries than it has now. These differences may be explained, perhaps, by the absence of leaves in certain folds of the book that I have already noted. All the missing entries occur within a period of less than thirteen months, and probably filled only a few pages of the diary. From these omissions our late associate, Charles W. Tuttle, Esq., was led to infer that once there were two separate and distinct journals kept by the writer. See his paper in the Proceedings (XIII. 314) of this Society, which was presented at the meeting held on June 11, 1874.

Captain Hammond was made a freeman of the Colony on May 23, 1666, and for several years was chosen a Deputy to the General Court from Charlestown. In 1686 and several following years he was the Recorder of Middlesex County, whose duties corresponded very nearly to those of the present Registers of Deeds and Probate combined. He took an active interest in military matters, and was a Lieutenant and the Captain of a foot company in Charlestown. His death took place in Boston, on July 29, 1699.

1687/8

March 9<sup>th</sup> The Disease of y<sup>e</sup> meazles hath prevailed exceedingly in this land, it began in Boston in y<sup>e</sup> summer & spread since into all parts of y<sup>e</sup> Country, few have dyed thereof.

It began in our Towne y<sup>e</sup> begining of Winter & hath gone almost through every family.

Franc Hamond fell sick w<sup>th</sup> it about a month agoe. he kept at Widow Peachees.

Betty Hammond soone after him. W<sup>m</sup> Gerish at Boston about a month agoe

Meazles      Abigail Hammond at Salem about y<sup>e</sup> same time, or before.  
                  Parson Gerish in my family about y<sup>e</sup> 22<sup>d</sup> of february.

Betty Gerish }  
 Bethia Gerish } March y<sup>e</sup> 7<sup>th</sup> in our family, are now very ill.  
 Little Laurence }

12 All well recovered through Gods mercy. Our Maid Tryal sick also & recovered.

This day we began to remove our Goods to M<sup>r</sup> Tucks house having hyred y<sup>e</sup> southerly end for a Lease of 7 yeares, to pay £5.0.0 p annum.

30 Fra: Hammond shipt on board M<sup>r</sup> Shrimptons barque, W<sup>m</sup> Everton M<sup>r</sup> bound for y<sup>e</sup> Madera.

April 1 Skipper [William] Hurry made his first Voyage for this yeare fro. Pascataq, [Portsmouth, N. H.] loaden w<sup>th</sup> boards &c

3 This day, I deliue'd y<sup>e</sup> key of D<sup>r</sup> Chickerings house to M<sup>r</sup> [Hannah] Hunting, wife of Cap<sup>t</sup> Sam: Hunting, who received y<sup>e</sup> same of me.

B<sup>r</sup> Jos. Gerish carryed home his Daughter Betty from our house this day.

6 I rec<sup>d</sup> of M<sup>r</sup> Jn<sup>o</sup> Parker of Redding for acco<sup>t</sup> of Tho. Tayler sen<sup>r</sup> of s<sup>d</sup> Towne 34/s for Costs of Court & 50/s. in full of all accompts.

23 Munday. Training day. We Examin'd Armes & Ammunition I dismissed Samuel Kettle from being Drummer & Sergeant Rich<sup>d</sup> Training Lowden from being Serg<sup>t</sup> of y<sup>e</sup> Company, at both their requests; I made Samuel Kettle youngest Serg<sup>t</sup> & Nathaniel Kettle Drummer of y<sup>e</sup> Company.

This day came into our family Elizabeth Nevenson, daughter of M<sup>r</sup> Jn<sup>o</sup> Nevinson & Elizabeth his wife, who wilbe 13 yeares of age ye

22<sup>d</sup> day of October next: The verbal Covenant betwene my Betty wife & M<sup>r</sup> Nevenson is, that she ye s<sup>d</sup> Elizabeth shall dwell with my wife as a serv<sup>t</sup> six yeares, to be taught, instructed & provided for as shalbe meet, & y<sup>t</sup> she shall not depart from our family during ye said time without my wifes consent.

24 I waited on the Governour to Concord, to vizit Major Bulkeley.

25 The Governo<sup>r</sup> took his Journey to y<sup>e</sup> Eastward, & returned back May 28<sup>th</sup> following.

May 3 Was kept by Boston old Church, our Towne & Dorchester in fasting & prayer, more especially for raine, it having been an exceeding dry Spring & great signs of a Drought. And God was Fast pleased to hear prayers, & to give an answer in part that night in sending a very refreshing shower about two houres long, & a plentifull raine the beginning of y<sup>e</sup> following week.

11 My wife & I rod to Wenham this day, being fryday, & continued there till wednesday following. from thence we came to Salem y<sup>t</sup> day & staid till ye next; & then came home.

25 Major Peter Bulkeley dyed this day & was privately buried on ye Sabbath being y<sup>e</sup> 27<sup>th</sup> day.

Maj<sup>r</sup> Bulkly's death June 9 My wife & I rod to Concord to Visit Ma<sup>d</sup>. Bulkley (being Saturday) & returned home on tuesday following.



This Evening M<sup>r</sup> Sampson Sheafe was set upon in Boston Co<sup>m</sup>on, & knockt downe & robbed by two Ruffins, One Hambleton (lately a Lodger at his house) being present, who it is judged hyred them to do it ; he Whistling w<sup>n</sup> he met M<sup>r</sup> Sheafe, these fellowes immediately fell upon him ; y<sup>e</sup> Ruffins fled, Hambleton in Custody

11 A thunder shower in y<sup>e</sup> Afternoone, very fierce in these two Townes ; struck M<sup>r</sup> Sheafe's house in Boston, split severall Lightning timbers & shattered others, strook his wife on her face, but she rec<sup>d</sup> no great hurt.

Lustcom 10 Major Humphry Lustcomb [Liscom] of Boston dyed of a feaver.

West 13 I went to Boston, & paid M<sup>r</sup> West 46/s. money, w<sup>ch</sup> I rec<sup>d</sup> of our County Treasurer, for Acts by him sent to this county, w<sup>ch</sup> was allowed in March Court.

☞ Note that ever since y<sup>e</sup> fast on May 3<sup>d</sup> much raine hath seasonably & mercyfully fallen ; so that at this day y<sup>e</sup> fruits of ye earth are all in a very flourishing rate, praised be God !

1688/9

March 7 About a fortnight agoe two men of Chelmsford, who were Cousen-Germans, who also married two sisters, went out w<sup>th</sup> their Guns together to kill Ducks &c. y<sup>e</sup> one going just before ye other, the Gun in ye hand of ye hindmost man went off, & shot ye foremost man in ye back, wherof he presently Dyed : & when y<sup>e</sup> Gun was Lookt upon, ye Cock was found at halfe bent, guarded w<sup>th</sup> ye Dog on ye outside, & the Hammer close down upon the pan ; ye man not touching ye Lock after it fired, but threw ye gun down, & Ran to ye wounded man ; Noe man knowing how ye powder sh<sup>d</sup> take fire, unless it were by a spark of fire from ye foremost mans tobacco pipe (w<sup>ch</sup> he had in his mouth when shot) carryed by ye wind between ye Barrel & Hammer of ye Gun, tho' no spark was seen by either of them ; the hindmost man had no pipe lighted or fire about him : A strange providence !

M<sup>r</sup> Sam. Whiting Minister of Billerica Related it to me this day.

. . . . .

Anno 1688. In New england, One J Brodbent an Exciseman and a Hectoring Debauchee, Resid<sup>t</sup> in Boston (where too many of the same stamp, have lately multiplyed) meeting an Honest, Ingenious Countryman upon the Road, enquired of him, what Newes Countryman ? who Replied, I know none : the other then Replied, Ill tell you som ; What is it ? (said ye Countryman) ; said the other, The Devil is Dead : How ? said ye Countryman, I believe not that ; Yes, said ye other, he is dead for certaine : Well then, said ye Countryman, if he be dead, he hath left many fatherless Children in Boston.

*An Eminent Deliverance of M<sup>r</sup> Jn<sup>s</sup> Hale Minister of  
Beverly & his family from Lightning.  
Febr: 19. 1683.*

His Relation wherof is this. My wife, two maids & two Children were by ye kitchin fire; myself with Deacon Hill in my study, & hearing ye thunder smart, were going down to Comfort ye family below, & as we came to ye head of ye Staires (D. Hill part down) we were both struck w<sup>th</sup> Lightning in our right Armes & right Legs, yet neither of us heard ye thunder, or saw ye Lightning; He was Less strook, & sooner got down staires; I was struck down upon my knees, by ye post we use to lay hands on, as we goe up & down staires, & unable to stirr for som time; but heard som of my family crying out of hurt below: at last I got down, my foot as if it were dead, & Leg full of paine, but w<sup>th</sup> help got to lie down on a bed; my Elbow seemed out of joynt, & Arm hung down like a stick, w<sup>th</sup> m<sup>ch</sup> paine in it, but my fingers seemed dead: I have a bruise on my face, but suppose it might be w<sup>th</sup> my fall. In less y<sup>n</sup> an hour, I found life in all my Limbs, & y<sup>t</sup> no bone was broken or out of joynt, unless som small starting out of a bone in my wrist (praised be ye Lord) I find ye post I was by shivered on 3 sides. But to com to ye Rest; ye Lightning came downe ye Chimney, brake out som bricks just above ye mantletree; Hurt my wife & English maid on their heads, & ye Negro on her right Arm, yet all pretty well againe (thro' mercy) it bowed out two paines of glass in y<sup>e</sup> kitchin but brake out no glass, & on ye other side ye house beat out ye bottom of a paile, & touched severall pewter platters: on y<sup>e</sup> top of y<sup>e</sup> kitchin Chimney it brake out about 20 bricks; & on ye other side of ye Roof made an hole about 8 foot long, & then beat out ye North end of ye kitchin Chamber about 8 foot long & 3 foot wide, & tore out many other boards at y<sup>t</sup> end. without doores it killd me a Cow, & in ye stable one Lamb, w<sup>ch</sup> y<sup>e</sup> Lord accepted of instead of our Lives. How unsearchable are his wayes & paths past finding out &c. I find no mark on my body, but a blue spot on my heele a  $\frac{1}{4}$  of an Inch long &  $\frac{1}{2}$  so wide, & somewhat sore, & one spot on ye sole of my foot, but not sore. taken out of his own Letter sent to his Bro: Wilson in Charlestowne.

*A Remarkable Experim<sup>t</sup> tryed upon a  
Deaf & Dumb man.*

Wee pricked a knife's point (saith M<sup>r</sup> Morton in his Discourse of ye sense of Hearing) into ye belly of an Harpsicot, causing him to hold ye haft in his Teeth, then two of us severally played in his sight, ye one Harmonically som Tunes, ye other afterward struck a Confused Discord, clashing many of ye keyes at once: ye poor man expressed wonderfull Joy at ye Harmony, & embraced him y<sup>t</sup> had played it; but withall showed as m<sup>ch</sup> displeasure & Contempt of him y<sup>t</sup> had troubled

him w<sup>th</sup> ye Discord. Then blindfold we set him in ye former posture ; & he y<sup>t</sup> before had Clashed, now play'd Regularly ; & ye other y<sup>t</sup> before had made musick, now Jumbled w<sup>th</sup> ye keyes, this we did severall times, shifting hands as we thought fit ; & between every time unbound his Eyes. The man still after a musical playing shewed his kindness & gratitude to him whom he had seen play, w<sup>n</sup> at first it pleased him, & so on the contrary. By w<sup>ch</sup> it appeared plainly, y<sup>t</sup> tho' he mistook ye persons, yet he very well p<sup>ce</sup>ived y<sup>e</sup> sound & it's affections, & Distinguished betweene y<sup>e</sup> Harmony & y<sup>e</sup> Discord, w<sup>th</sup> an answerable satisfaction, or Regret.

M<sup>r</sup> Morton gives this Instance to note a probability y<sup>t</sup> y<sup>e</sup> mouth is not devoid of a power of perceiving sound ; & y<sup>t</sup> by ye tender nerves of y<sup>e</sup> Teeth. &c.

*A Violent Noyse may so Disorder the Brayn, as to render it unapt for its proper functions, ever after.*

An Instance wherof, M<sup>r</sup> Morton Relates (in his Discourse of ye sense of Hearing) in a Child, carryed in Armes, but of a quick apprehension, a Drum being beat close to ye child suddainly, as soon as ye Dru<sup>m</sup> began to beat, ye child was I<sup>m</sup>mediately taken w<sup>th</sup> a grievous Convulsion, the Countenance Distorted, & all understanding driven away ; & so it continued for w<sup>n</sup> it was of 20 yeares of age, he saw it a Natural foole ; & enquiring ye Cause, his parents gave the afores<sup>d</sup> beat of y<sup>e</sup> Dru<sup>m</sup> as ye reason. tho. he Remembers not y<sup>t</sup> ye hearing was therby much Impaired.

1689

April 18 Since the change of Government in this Land, by y<sup>e</sup> Vacating our Chartar, & setting up a new form, first by a presid<sup>t</sup> & Council, w<sup>ch</sup> was done May 13<sup>th</sup> 1686. upon y<sup>e</sup> Arrival of y<sup>e</sup> Rose frigot, wherin M<sup>r</sup> Edw<sup>d</sup> Randolph brought a Co<sup>m</sup>ission for M<sup>r</sup> Jos. Dudley, Presid<sup>t</sup> & sundry other Gentlemen to be of y<sup>e</sup> Council ; and then by a Governour & Council, upon the arrival of S<sup>t</sup> Edm<sup>d</sup> Andros, in the Kingfisher on y<sup>e</sup> 18<sup>th</sup> day of December Anno 1686. whose Co<sup>m</sup>ission from King James ye 2<sup>d</sup> Constituted y<sup>e</sup> said S<sup>r</sup> Edm<sup>d</sup> to be Cap<sup>t</sup> Generall & Governo<sup>r</sup> in Chiefe of his Maj<sup>ties</sup> Territory & Dominion of Newengland, in w<sup>ch</sup> Commission sundry persons were joyned in Co<sup>m</sup>ission w<sup>th</sup> him as his Council : After w<sup>ch</sup> other plantations were added to ye same Governm<sup>t</sup> as Connecticut, New-york, East & west Jerzy &c. wherby ye Territory under ye same Governour was Extended to near 600 miles in length : I say these changes befell us, great & manyfold oppressions by fines, Imprisonm<sup>ts</sup>, illegal & arbitrary prosecutions of many particular persons began to grow upon us, with Excessive charges in all Lawsuits & other matters in Courts, as also a claiming in ye name of ye King, all our Lands, especially such Lands as were not under personall & particular Improvem<sup>ts</sup>, & y<sup>e</sup> same in part, (& more designed to be) given to such who would petition & pay yearly acknowledgm<sup>ts</sup> & the large

fees stated, for y<sup>e</sup> same, besides many other grievances w<sup>ch</sup> no way appeared to redress, but men were made offenders for a word &c. The people in Boston & in y<sup>e</sup> Townes adjacent did this day rise as one man, & having seized Cap<sup>t</sup> George Commander of ye Rose & others; Drums were beat in Boston & sundry persons appearing form'd themselves into Companies under ye Co<sup>m</sup>and of such Leaders as were well approved of for ye Design in hand: The Governo<sup>r</sup> & severall others who had been his Creatures, fled to y<sup>e</sup> fort, & there stood upon their defence; above a thousand men were soon in Armes in Boston, chiefly of y<sup>t</sup> Towne, & partly from Charlestowne, & Roxbury; also six or 700 men marched down out of Middlesex to Charlestown y<sup>e</sup> same day under y<sup>e</sup> Co<sup>m</sup>and of Cap<sup>t</sup> Nath. Wade, & there quartered y<sup>t</sup> night, y<sup>e</sup> Companies in Armes at Boston, Marched to y<sup>e</sup> fort, took y<sup>e</sup> lower fort with ye great Artillery; y<sup>e</sup> Redcoates ordered by y<sup>e</sup> Governo<sup>r</sup> to Issue out of y<sup>e</sup> fort & fire upon them, but being come down ye Hill fired not a gun, but ran back to ye fort againe: Boston having taken y<sup>e</sup> lower fort & great Guns, Loaded them, & planted y<sup>m</sup> right against y<sup>e</sup> fort; then Simon Bradstreet Esq. w<sup>th</sup> divers, Gentlemen, some of y<sup>e</sup> Council, & others of ye former Governm<sup>t</sup>, formd y<sup>m</sup>. into a Council & sent in writing to y<sup>e</sup> Governo<sup>r</sup> under their hands, their advice to him to surrender y<sup>e</sup> Governm<sup>t</sup> & forts, least ye Country now up should storm ye same, & take it by force, w<sup>ch</sup> would be ye occasion of bloodshed, &c. The Governo<sup>r</sup>. w<sup>th</sup> others at length came down to y<sup>e</sup> Council, sitting in y<sup>e</sup> Town house; & after some discourse resignd all up

An Acco<sup>t</sup> of my severall Marriages, to whom, & y<sup>e</sup> time w<sup>n</sup>, & y<sup>e</sup> time of the deaths of such of y<sup>m</sup> as God hath removed: Also y<sup>e</sup> Names of my children whom God hath graciously given me, by whom, w<sup>n</sup> borne, & y<sup>e</sup> time of y<sup>e</sup> decease of such whom God hath bereaved me of.

I was marryed to Audria Eaton, a Virgin, in Charlestowne in New  
Audria                      england (who came y<sup>e</sup> yeare before from London) on y<sup>e</sup> 30<sup>th</sup>  
day of September 1662. who dyed in child-bed in Charles-  
towne on y<sup>e</sup> 27<sup>th</sup> day of August 1663.

I was marryed to M<sup>r</sup> Abigail Willet, widow of M<sup>r</sup> Jn<sup>s</sup> Willet,  
Youngest Daught<sup>r</sup> of M<sup>r</sup> Edward Collins of Meadford in N.  
Abigail                      England, on y<sup>e</sup> 12<sup>th</sup> day of May 1665. who Dyed of a Ma-  
lignant feaver on y<sup>e</sup> first day of february 167<sup>3</sup>/<sub>4</sub> in y<sup>e</sup> morning

I was marryed in Charlestowne to M<sup>r</sup> Margaret Willoughby, widow  
of Francis Willoughby Esq. on y<sup>e</sup> 8<sup>th</sup> day of February 167<sup>3</sup>/<sub>4</sub>.  
Margaret                      who dyed of a feaver on y<sup>e</sup> 2<sup>d</sup> day of February 168<sup>3</sup>/<sub>4</sub>.

I was marryed in Charlestowne to M<sup>r</sup> Anne Gerrish, widow of D<sup>r</sup>  
W<sup>m</sup> Gerrish on y<sup>e</sup> 14<sup>th</sup> day of January 168<sup>3</sup>/<sub>4</sub>. whom God yet  
Anne                              is pleased to spare to me

By my wife Audria, I had a sonne, named Francis, borne August  
y<sup>e</sup> 19<sup>th</sup> 1663. who about y<sup>e</sup> age of 18 yeares was bound to M<sup>r</sup> Nicho:  
Follet, Marriner of Pascataqua for 5 yeares; whose time being expired,

He went to sea upon His own Acco<sup>t</sup>, having y<sup>e</sup> Commendation of all y<sup>t</sup> knew Him for Sobriety & good proficiency in y<sup>e</sup> Marriner's Art, & very hopefull in reference to true piety. The last Voyage He made Francis was from Boston in a Vessel of Colonel Shrimpton's, W<sup>m</sup> Everton M<sup>r</sup> bound for Madera's, after their discharge from y<sup>t</sup> port they touched at Barmuda, & from thence home; & on y<sup>e</sup> 24<sup>th</sup> day of November 1688. being come into Nantasket Bay, betw: 7 & 8 at night, y<sup>e</sup> wind not serving to com up, they came to an Ankor; my son Francis was in y<sup>e</sup> foretop, furling y<sup>e</sup> foretopsaille, & from thence fell downe, struck upon y<sup>e</sup> ship-side, & into y<sup>e</sup> Sea, being (as its thought) struck dead w<sup>th</sup> y<sup>e</sup> blow, soon sunk, & was never more seen, no boat nor hands ready to save him.

By my wife Abigail, I [had] one son & four Daughters.

Martha. 1. Martha: borne y<sup>e</sup> 6<sup>th</sup> of April 1666. who dyed y<sup>e</sup> 7<sup>th</sup> of June. 1666.

Abigail. 2. Abigail, borne y<sup>e</sup> 27. of April 1667. yet living.

John. 3. John,. borne y<sup>e</sup> 1<sup>st</sup> of May 1669. who dyed y<sup>e</sup> 8 of Sept 1669

Jane. 4. Jane.. borne y<sup>e</sup> 10<sup>th</sup> of August 1670. who dyed y<sup>e</sup> 25 of Dec<sup>br</sup> 1681.

Elizabeth 5. Elizabeth, borne y<sup>e</sup> 13<sup>th</sup> of July. 1672. yet living.

By my wife Margaret I had no Child.

By my present wife Anne, I had Laurence, borne November y<sup>e</sup> 23<sup>d</sup>

Laurence 1685. who dyed the 1<sup>st</sup> day of October 1689. by bladd<sup>r</sup> grown in his throat, begun on fryday Sep<sup>t</sup> 28<sup>th</sup> w<sup>ch</sup> ended his life on tuesday foll. betw: 7 & 8 at night. (a pleasant child)

Francis Also Francis, borne Sep<sup>t</sup> 13<sup>th</sup> about one in y<sup>e</sup> morning, yet Living. tho' now ill.

This Record I have here made this 2<sup>d</sup> day of Octob<sup>r</sup> 1689.

Attested by LAUR. HAMMOND.

Francis, my youngest sonne, taken w<sup>th</sup> a Hoarsnes in y<sup>e</sup> morning before day, dyed this 2<sup>d</sup> day of October 1689. betweene 8 & 9 at night of y<sup>e</sup> same distemper (as we Judg) wherof his brother Laurence dyed y<sup>e</sup> night before. They were both buryed in one Grave October 4<sup>th</sup> following. All my 3 sonnes dead within y<sup>e</sup> Compass of a yeare. Of eight Children w<sup>ch</sup> God hath given me, but two Daughters (Abigail & Elizabeth) are now living. The Lord gives, & y<sup>e</sup> Lord takes; blessed be y<sup>e</sup> name of y<sup>e</sup> Lord.

Nov. 1 M<sup>r</sup> Tho: Fairweather sailed for London, in a New ship built by M<sup>r</sup> [Samuel] Ballat this yeare. M<sup>r</sup> Rich<sup>d</sup>. Daniel saild in him fryday morning.

January 30 This day my Daughter Abigail was joyned in Marriage unto Luke Greenough son of M<sup>r</sup> W<sup>m</sup> Greenough of Boston, Shipwright, by M<sup>r</sup> Charles Morton Minister at Charlestowne.

February 10 This day sailed from Boston bound for London, M<sup>r</sup> Bant

& in him S<sup>r</sup> Edm<sup>d</sup> Andross, late Gov<sup>r</sup> of Newengland, M<sup>r</sup> Jos. Dudley, M<sup>r</sup> Palmer, M<sup>r</sup> Raudolph M<sup>r</sup> West, M<sup>r</sup> Graham & others, who are sent home to y<sup>e</sup> King, as by his Letter arrived here in November last.

Likewise M<sup>r</sup> Rich<sup>d</sup> Martin sailed y<sup>e</sup> same day, & in him D<sup>r</sup> Elisha Cook D<sup>r</sup> Thomas Oakes & M<sup>r</sup> Ichabod Wiswall, who are sent by y<sup>e</sup> Convention to Implead y<sup>e</sup> afores<sup>d</sup> Gentlemen. They Anchored at Nantasket, y<sup>e</sup> wind coming Southerly. M<sup>r</sup> Martin Anchored not, but saild direct away.

11 Court of Midd<sup>l</sup> holden in Charlestown by adjournm<sup>t</sup>, Jn<sup>o</sup> Walker tryed about being y<sup>e</sup> father of a Bastard child, brought forth by Mary Phipps Solomon Phipps Lane Daughter. She lays it to him, y<sup>e</sup> child dead.

16<sup>99</sup><sub>0</sub>

February 12 The Convention removed from Boston (y<sup>e</sup> smallpox encreasing there) to Charlestowne this day.

15 Cap<sup>t</sup> Bant, w<sup>th</sup> S<sup>r</sup> Edmund &c is said to Sail from Nantasket for London.

19 M<sup>r</sup> Rob<sup>t</sup> Wallis of this Town, sailed for London, in a Brigantine, M<sup>r</sup> Woodgate saild in her.

John Rayner came in from y<sup>e</sup> Bay of Campeach, loaden w<sup>th</sup> logwood.

21 The Convention, adjourned to

March 1 Satuday, Wind high, at W. fair & cold:

2. Stephen Codman's child baptized. Wind at W. High & cold.

3. Generall meeting of y<sup>e</sup> Inhabitants of Charlestowne, to choose Officers

Constables chosen are M<sup>r</sup> W<sup>m</sup> Welsted sen<sup>r</sup>

Natha<sup>l</sup> Kettle

Natha<sup>l</sup> Davis.

Joseph Frost.

---

Selectmen chosen are Cap<sup>t</sup> Rich<sup>d</sup> Sprague

Peter Tuffts

Rich<sup>d</sup> Lowden

Natha<sup>l</sup> Rand

Peter Fowle

Sam<sup>l</sup> Hunting

James Miller.

---

Clerk of y<sup>e</sup> Writts chosen is Laur. Hammond

Wind at W N W. blew very hard & cold

L<sup>t</sup> Nickols } 4 Tuesday, wind at S. a fair, moderate day.  
 fell & }  
 brake his } 5 Wedensday, wind at E., & snow: at night wind at  
 leg } N. W. & cleer, blew hard

6 Thursday, Publ. Fast. Wind at W. & N. W. blew very hard all day & all night Extream Cold freezing weather.

7 Fryday, clear day, wind at N. W. blew very hard, Extreame cold & freezing.

8 Saturday, Haizy sky, wind at N. W. blew moderate, but exceeding cold, som snow in y<sup>e</sup> afternoon, wind at S. W. in y<sup>e</sup> night N W. blew hard & Exceeding cold.

March 9 Lord's day, wind at N. W. blew hard an Exceeding cold freezing day. clear weath<sup>r</sup>

10 Munday, wind at W. blew fresh, Exceeding cold morning, afternoone more moderate: a very sharp, freezing night.

11 Tuesday, wind at W. a moderate, still day.

County Court sat by Adjournm<sup>t</sup> at Charlestowne, & allowed of y<sup>e</sup> Towne's choise of me for Clerk of y<sup>e</sup> writts.

12 Wedensday, wind at S. E. & E. snow y<sup>e</sup> forenoone, rainey, misty afternoon, moderate

13 Thursday, wind at N. E. som raine, still, moderate, cloudy day.

14 Fryday, wind at E. & snow afternoone, cloudy, still, moderate day.

15 Saturday, wind at E. still cloudy, morning, then snow & y<sup>n</sup> raine  
Clutterbuck all [nit, in cypher]: M<sup>r</sup> Clutterbuck arrived from y<sup>e</sup> Canaries  
with wine, yesterday.

16 Lords day, Raine all day, moderate weather, wind at E. clear at night wind at W. M<sup>r</sup> Morton preached in y<sup>e</sup> forenoone, & Administred y<sup>e</sup> Sacram<sup>t</sup>: this is y<sup>e</sup> first time I was at y<sup>e</sup> Sacram<sup>t</sup>, since my confinem<sup>t</sup> Young M<sup>r</sup> Peirpoint Afternoon.

17 Munday, Wind at W. N. W. blew a hard gale in y<sup>e</sup> forenoon; little, afternoone. a calm, moderate night.

18 Tuesday; wind E. came to S in y<sup>e</sup> Evening & cloudy; blew fresh in y<sup>e</sup> night.

19 Wedensday wind at S. & raine till near Noon, y<sup>n</sup> fair, wind at S. W & moderate.

20 Thursday, a fair day, wind at N. moderate weather, wind came to N. E. Major Appleton & L<sup>t</sup> Stacey Lodged our House: y<sup>e</sup> Convention still in Charlestown. This day came a post enforming y<sup>t</sup> yesterday, y<sup>e</sup> Indians came to Nuchawannick [Berwick, Maine] & had don m<sup>ch</sup> spoile.

21 Fryday, wind at N. E. cloudy, cold day, som raine in y<sup>e</sup> night. Maj. Apleton & His L<sup>t</sup> lodged againe at our house.

The Enemy at Nuchawannick have burned about 30 Houses, & Nuchawan- killd & carryd away about 80 persons; wherof about 30  
nock de- men. they were set upon by a parcel of English y<sup>t</sup> came to  
stroyed ye Town's reliefe, they fought till night parted y<sup>m</sup> 2 of our  
men slaine & about 7 or 8 much wounded: we know not of one Indian  
slaine: one frenchman taken prisoner: y<sup>e</sup> Enemy said to be not above  
60. ye meeting house burnt.<sup>1</sup>

<sup>1</sup> For other particulars of this attack, see Proceedings, vol. xiv. p. 126.

22 Saturday. Wind at N. E. a cold, cloudy day. Maj<sup>r</sup> Appleton went home.

a man Yesterday a man fell out of a shallop in y<sup>e</sup> river coming up  
drownd to this Town & was drowned, it was Vee's shallop.

our Cow } 23 Lords day, a cloudy, moderate day, wind at S. at night,  
Calved } warm, moist Aire, wind blew hard in y<sup>e</sup> night.

24 Munday, wind at S. blew very hard, dark showry weather;  
wind at S E. in Evening & m<sup>ch</sup> raine till about 10 at night;

25 Tuesday, wind at S. W. blew very hard, fair: calm tow<sup>d</sup> even-  
ing, rain at night, wind at N. E. My wife & I went to Boston, visited  
M<sup>r</sup> Clutterbuck.

26 Wedensday, wind at N. E. & raine at times till within night.  
weather moderate

27 Thursday, wind at N. W. blew fresh, fair, moderate weather.

28 Fryday, wind at N. E. Haizy weather, moderate.

March 29 Saturday, wind at E. & raine, moderate weather.

30 Lord's day, wind at S. W. a fair moderate day, Moon changed.

31 Munday, wind at S. E & N. E. & calm at nigh[t], a fair moderate day.

All this week to saturday, fair weather & seaturns every day, calm  
nights. I went w<sup>th</sup> my wife & son & Daughter Greenough to Winnisimmet.

April 2 Wedensday, I planted my Rose pease.

4 Fryday, my wife & I walked to Ben: Bowers.

6 Lords-day, wind at W & N. W. blew fresh, fair, cool day. M<sup>r</sup>  
Metcalf Metcalf made his confession before y<sup>e</sup> Church of y<sup>e</sup> sin of  
fornication.

7 Munday, wind at N. a fair, moderate day, wind at N. E. in y<sup>e</sup> night  
M<sup>r</sup> Welsted in Gov<sup>r</sup> Andrews Sloop, sailed for London,  
being sent by y<sup>e</sup> present Governm<sup>t</sup> on y<sup>e</sup> 2 or 3<sup>d</sup> instant.

8 Tuesday, wind at N. E. som snow in y<sup>e</sup> forenoon, then rain all  
day, a storm of wind & rain at night.

28 S<sup>r</sup> W<sup>m</sup> Phipps Chiefe & about 700 men in 3 or 4 Vessels fitted  
as men of Warre (Cypr: Southdeck, who rec<sup>d</sup> a lre of mart from y<sup>e</sup>  
King being one) saild, being design'd by those now in Governm<sup>t</sup> ag<sup>st</sup>  
y<sup>e</sup> french forts at y<sup>e</sup> Eastward to take y<sup>m</sup>

May 4 Lords day, a Brave soaking Raine.

From thence until y<sup>e</sup> 14<sup>th</sup> day dry, faire, moderate, weather.

14 Raine, very refreshing; wind at N. E. & E.

12 Arrived from London Tho. Gilbert in M<sup>r</sup> Belchar's ship.

15 Thursday, wind blew fresh at S. W. fair, moderate weather, a  
shower.

17 Saturday, a considerable raine in y<sup>e</sup> night preceding & this morn-  
ing. wind at E.

Casco { This day & yesterday fatal for y<sup>e</sup> desolating of Casco by  
y<sup>e</sup> Enemy. as y<sup>e</sup> news of it was brought to us on Munday  
night pitculars not known. all killd & taken.



22 Thursday, News from S<sup>r</sup> W<sup>m</sup> Phipps, y<sup>e</sup> forts [at Port Royal] surrendered, much plunder taken.

My wife & I rod this day to Wenham, to B<sup>r</sup> Gerrish's

28 Wedensday, we returned home, thro' Salem, dined at Benj<sup>s</sup> Gerish's & thence home in y<sup>e</sup> Evening.

Election carryed on this day as foll. viz.

Simon Bradstreet Esq., Gov<sup>r</sup> Tho. Danforth. D. G.

July 3 Our Cow went to L<sup>t</sup> Nickol's pasture in y<sup>e</sup> Evening of this day.

August 3 A fire brake out in Boston, betw: 2 & 3 in y<sup>e</sup> morning, by y<sup>e</sup> Millbridge, w<sup>ch</sup> consumed about 30 Buildings, y<sup>e</sup> cause not known. a Young man's thigh being brake, he dyed soon.

9 The Fleet, consisting of about 32 Ships & Vessels, w<sup>th</sup> about 2200 men, under S<sup>r</sup> W<sup>m</sup> Phipps, General, bound to Canada, ag<sup>t</sup> y<sup>e</sup> French, saild this Evening.

14 A Seizure was made of Col. Potter & all his Letters, who being sent by Cap<sup>t</sup> Nickolson, Gov<sup>r</sup> of Virginia, hether by Land, was ready to return back to him, with a great quantity of Letters to him & others, w<sup>ch</sup> hres so seized by a Warr<sup>t</sup> from som in Boston, were opened & read by y<sup>e</sup> Council, & som kept, & som redelivered to y<sup>e</sup> Messenger, & suffered to depart y<sup>e</sup> next day: Som have been called to acco<sup>t</sup> for w<sup>t</sup> they writ, & others expect y<sup>e</sup> like. How congruous this is to y<sup>e</sup> obtaining their Charter, they have been suing for, & how acceptable it wilbe to his Maj<sup>ty</sup> y<sup>e</sup> world may judge.

Sep<sup>t</sup> 5 Jos. Lynde jun<sup>r</sup> saild for Barbados in a Ketch, W<sup>m</sup> Gerish saild w<sup>th</sup> him at 20/s 7<sup>d</sup> menš.

16 A fire brake out in Boston, this night about 11 of y<sup>e</sup> Clock, in the house of one Cornish, & so prevaild y<sup>t</sup> 5 Houses were burnt by y<sup>e</sup> South Meeting-house, L<sup>t</sup> Reynalds stone House, y<sup>e</sup> timber work all consumed, in y<sup>e</sup> flame wherof, y<sup>e</sup> Meeting house was several times fired, but by y<sup>e</sup> Industry & activity of Cap<sup>t</sup> Cypr: Southdeck, & som others, (thro' God's great mercy) y<sup>e</sup> fire was still put out, & y<sup>e</sup> Meeting house preserved, w<sup>ch</sup> had if fire prevaild upon, y<sup>e</sup> whole Town, at least to Leeward, had been endangered, y<sup>e</sup> wind blowing fresh at S. W.

a youth about 12 years of age was consumed in y<sup>e</sup> flames in the s<sup>d</sup> Cornish's House.

It is said, y<sup>e</sup> Man of y<sup>e</sup> House himself had carelesly stuck up a lighted Candle ag<sup>t</sup> y<sup>e</sup> claboards within y<sup>e</sup> House, & y<sup>n</sup> went forth to an Alehouse to drink, & forgetting his Candle, there staid till his house was on fire.<sup>1</sup>

<sup>1</sup> Other particulars of this fire are found in the "PUBLICK OCCURRENCES Both FOREIGN and DOMESTICK. *Boston*, Thursday Sept. 25th, 1690," the first newspaper ever printed on this continent. See "The Historical

17 My Daughter Abigail Greenough, was delivered this morning about 3 of y<sup>e</sup> Clock of a Daughter, y<sup>e</sup> her full time not being com, by at least a month.

Nov. The first Vessel Returned from Quebeck, bring newes of our defeat there, all Returning home, many dead & more sick of small-pox, fevers & fluxes, besides som slain by y<sup>e</sup> Enemy ; like to be a great mortality.

Decemb<sup>r</sup> 1 A Pink. wherof M<sup>r</sup> Jos. Buckley was M<sup>r</sup> full Loaden, bound for Jamaica, by carelessness of 2 persons on board, was Fire fired & burnt to y<sup>e</sup> water. she rode at Anchor in Boston.

22 The Green Dragon in Boston, kept by Mother Wilmot (now Fire Smith) took fire between 12 & one this Morning, & burnt down, no other House fired, no wind & good help, & snow upon y<sup>e</sup> Neighbo<sup>r</sup> Houses, was a means of their p<sup>r</sup>servation. Very little in y<sup>e</sup> House saved.

27 About 2 in y<sup>e</sup> morning Cap<sup>t</sup> Dan. Turin's shop was Fire burnt down (; no other mischiefe y<sup>t</sup> I hear of) in Boston.

1691

May 13 Hyred a Cow of Abrah. Hill, for y<sup>e</sup> Summer, from this day till 7ber 13<sup>th</sup> for 20/s. she is put into y<sup>e</sup> pasture y<sup>t</sup> was Lieu<sup>t</sup> Nichols, to pay 20/s. for Sumering.

This Cow proving unruly & unlucky, so as none could milk her, was returned to Hills y<sup>e</sup> same day.

14 Agreed w<sup>th</sup> Ju<sup>d</sup> & Hannah Newel jun<sup>r</sup> for halfe y<sup>e</sup> milk for this Summer w<sup>ch</sup> y<sup>e</sup> Cow we sold y<sup>m</sup> shall give, until y<sup>e</sup> season for Housing coms. We paying for her pastorage, w<sup>ch</sup> is to be 20/s as abovesaid.

19 M<sup>r</sup> Mary Trumbal & y<sup>e</sup> Wife of Sam. Reid, being sentenced at an Adjournm<sup>t</sup> of y<sup>e</sup> pretended Court in this County on fryday 15<sup>th</sup> instant to pay a fine of £5. 0. 0. each, & give bond of £20. 0. 0 w<sup>th</sup> sureties for y<sup>e</sup> good behaviour, & not to sell any more drink, were Ordered to stand Committed till y<sup>e</sup> sentence were fulfilled hereupon Sam. Gookin, y<sup>e</sup> pretended Marshal, takes y<sup>m</sup> under his Custody & puts y<sup>m</sup> into M<sup>r</sup> Jackson's House, & there orders y<sup>m</sup> to abide ; where they stayed y<sup>t</sup> night & until Munday y<sup>e</sup> 18<sup>th</sup> ; but they sending to y<sup>e</sup> Marshal for a

Magazine" (I. 228-231), August, 1857, for a copy made by me thirty-five years ago. The account of the fire is as follows :—

"Altho' Boston did a few weeks ago, meet with a Disaster by Fire, which consumed about twenty Houses near the Mill-Creek, yet about midnight, between the sixteenth and seventeenth of this Instant, another Fire broke forth near the South-Meeting-House, which consumed about five or six houses, and had almost carried the Meeting-house itself, one of the fairest Edifices in the Country, if God had not remarkably assisted the Endeavours of the People to put out the Fire. There were two more considerable Circumstances in the Calamities of this Fire, one was that a young man belonging to the House where the Fire began, unhappily perished in the Flames ; it seems that tho' he might sooner awake than some others who did escape, yet he some way lost those Wits that should have taught him to help himself. Another was that the best furnished PRINTING PRESS, of those few that we know of in America was lost ; a loss not presently to be repaired."

Coppy of their Mittimus, he told y<sup>e</sup> Messeng<sup>er</sup> he had none, but supposed y<sup>e</sup> Clerk had it; Sam. Phipps y<sup>e</sup> Clerk being spoken w<sup>th</sup>, said, he had none, but he believ'd y<sup>e</sup> Marshal had it, & if he had none, y<sup>a</sup> there was none granted. These Women hereupon were advised to return to their families, for they could not be detained prison<sup>rs</sup> without Mittimus longer y<sup>n</sup> y<sup>e</sup> Court was sitting; by colour of no Law; w<sup>ch</sup> Court ended on y<sup>e</sup> said 15<sup>th</sup> instant They accordingly came to their Houses on Munday.

But on this 19<sup>th</sup> day, comes y<sup>e</sup> said Gookin to Charlestown, & without any Warr<sup>t</sup> brake open M<sup>r</sup>. Trumbal's House, Rob<sup>t</sup> Wyer's House & Dan. Smith's House, where he found & seiz'd M<sup>r</sup>s Trumbal; His Warr<sup>t</sup> being demanded for so doing, he said, he was y<sup>e</sup> Kings Officer & needed no Warr<sup>t</sup>; & y<sup>t</sup> by vertue of his office he could break open any house, or all y<sup>e</sup> Houses in Town, if he saw meet, or words to this effect.

Cap<sup>t</sup> Sprague told me, y<sup>t</sup> in his hearing at Geo. Monk's in Boston, & in y<sup>e</sup> Hearing of many more, M<sup>r</sup> Andrew Belcher of Charlestown, on y<sup>e</sup> 18<sup>th</sup> instant did say, y<sup>t</sup> y<sup>e</sup> Jury y<sup>t</sup> found Leysler & his Accomplices guilty, & Dudley y<sup>e</sup> Judg who Condemn'd y<sup>m</sup> to death, deserved to be Hanged y<sup>ms</sup> & it was pittty Dudley had not been Hanged w<sup>n</sup> he was in England. present at y<sup>e</sup> same time Piam Blower, Benj<sup>n</sup> Alford & many others.

20 Pretended Election at Boston.

June 2 Their Court adjourned to October

3 Elizabeth Robinson came to us, to serve for Wages at £3. 0. 0. y<sup>e</sup> yeare

July 25 One Rich<sup>d</sup> Lilly, com in from y<sup>e</sup> Westindies in one Robin-son y<sup>e</sup> day before, being handing small Armes into Charles Hopkins boat at Boston, to be carryed on shore, took one Gun & Hopkins holding y<sup>e</sup> muzzle tow<sup>ds</sup> Hopkins, said, old man here's a shot. gun for you, & immediately y<sup>e</sup> Gun fired & shot y<sup>e</sup> said Hopkins into y<sup>e</sup> body, wherof he presently dyed. This Hopkins wife is Maj<sup>r</sup> Henschman's sister: & Rich<sup>d</sup> Lilly is old Lilly's son y<sup>e</sup> Cooper.

August 4 By a Vessel from New-York, we have y<sup>e</sup> sad Newes of Col. Henry Sloughter's death, y<sup>e</sup> Kings Gov<sup>r</sup> there, who dyed suddenly.

Sep<sup>t</sup> 2 At Dunstable, one man, his wife & son & patrick Mark's Daughter killd by Indians.<sup>1</sup>

29 Barachiah Arnold, Arrived from London.

Octob. 2 Cap<sup>t</sup> Jn<sup>o</sup> ffoy sailed for London.

Sep<sup>t</sup> 21 Cap<sup>t</sup> W<sup>m</sup> Symms dyed of a fever.

Octob. 16 M<sup>r</sup> Rich. ffoster sailed for London.

25 One Gutteridge & his wife & 3 more, Living in ye bounds of Rowly were Murthered by Indians, two more of y<sup>e</sup> family missing. this was on y<sup>e</sup> Sabbath Evening.

26 A merch<sup>t</sup> & a master, lately com from Bristoll (y<sup>e</sup> merch<sup>t</sup>'s name

<sup>1</sup> The victims of this murderous assault were Joseph Hassell, Anna, his wife, and Benjamin, their son, and Mary, daughter of Peter Marks. The scene of the massacre lies now within the limits of the city of Nashua, New Hampshire.

was Martindale) & one Shortridge, M<sup>r</sup> Gilbert's Mate, & 2 other men, all Drowned, coming up from y<sup>e</sup> Ilands in y<sup>e</sup> night, wind at N. W. in Gilberts Yaul, supposed to overset. y<sup>e</sup> Wind blowing very hard, not one saved.

It is Reported, another family is Cut off by y<sup>e</sup> Enemy at Aimsbury this night.

Novemb. 8 A Violent Storm of Wind & Rain at S. did much harm to Wharfes &c.

One man Drowned out of a Woodboat in y<sup>e</sup> South River on Mistick-side, a Boston man.

12 A flight of snow about an hour, Wind at N. W. w<sup>ch</sup> continued blowing very hard, & Extreame Cold, freezing weather, till Saturday Evening y<sup>e</sup> 14<sup>th</sup>

14 John ffoster sailed for Barbadoes.

16 At night, began a Storm at N. E. very much Wind, Snow & Haile all night, Less wind y<sup>e</sup> next day, snow continued more or less till night. A Vessel from Madera Castaway at Cape Cod this storm, one More was master. men, & most of y<sup>e</sup> Goods saved.

18 A clear, sharp day, fresh gale at N. W.

22 Fair, sunshine weather Wind at N. W. & freezing nights & mornings all the last week from y<sup>e</sup> 18<sup>th</sup> day till this day, w<sup>ch</sup> there was little or no Wind; cloudy at night;

23 Munday, Wind at S. E. cloudy, moderate weather; Rain at night, all night, more or less.

24 Tuesday, Wind at N. & NNE. moist, misty weather & Cold: but thawing.

25 Wedensday: Wind at N & NNE. Bleu hard in y<sup>e</sup> morning & snow all day more or less, cold, but thawing.

26 Thursday, Wind at N. W. fair Weather.

29 Sabbath, a Very cold day, snow & rain at night, Wind S. E. Little of it

Nov. 30 Munday, Wind at N. W. cloudy, misty weather, clear at night.

I went to Boston w<sup>th</sup> M<sup>r</sup> Knill, discoursed M<sup>r</sup> Newton about his busines: also Comitted to M<sup>r</sup> Newton y<sup>e</sup> prosecuting M<sup>r</sup> Pool's bonds at next Court, I gave him 12<sup>s</sup>

M<sup>r</sup> Sheafe promised to com over to me this week, & if M<sup>r</sup> Ellis did not, he would make up w<sup>t</sup> I had already rec<sup>d</sup> of M<sup>r</sup> Ellis 30<sup>s</sup> for ye writings drawn betw. them.

Dec. 1 Tuesday, a moderate day, raine at night, little or no wind.

2 Wedensday, Wind at N. E. Rain & snow. & much rain at night, blew hard.

M<sup>r</sup> Knill [This line is written in cypher; and for a translation by our associate, Mr. Upham, see his letter printed below.]<sup>1</sup>

<sup>1</sup> NEWTONVILLE, MASS., Jan. 16, 1892.

DR. SAMUEL A. GREEN:

MY DEAR SIR, — The short-hand in Hammond's Journal, which you asked me to decipher, differs from any I have ever met with. Among the twenty or

Mary Martin came this day to our House to Dwell.

6 Good, moderate weather till day; w<sup>ch</sup> was cold & still; in y<sup>e</sup> night Raine & m<sup>ch</sup> winds at E & S. E. M<sup>r</sup> Jonath. Russel preached this afternoon in Joh. 1. 12.

7 a faire day, wind at N. W. moderate weather.

8 Tuesday, wind at N. & N. E. a moderate, still day, Rain all night, wind at E & S E.

This Afternoon M<sup>r</sup> Dudley came over & w<sup>th</sup> him, Cap<sup>t</sup> ffoxcraft & Cap<sup>t</sup> Davis; M<sup>r</sup> Graves, Cap<sup>t</sup> Sprague, Cap<sup>t</sup> Hunting, M<sup>r</sup> Jn<sup>o</sup> fflowle & myselfe treated y<sup>m</sup> at Sumers w<sup>th</sup> a Glass of Wine, Maj<sup>r</sup> Hinchman, came to Town this Evening & was in y<sup>e</sup> Company.

9 Wedensday, Wind at N. E. Rain all day. cleer night. Wind at NW.

10 Thursday, fair, moderate day, wind at S. W.

11 fryday, fair, moderate day, wind at S. W.

Jn<sup>o</sup> Pullen came in from Jamaica; W<sup>m</sup> Gerish w<sup>th</sup> him.

M<sup>r</sup> Newton & M<sup>r</sup> Pool came over to me; Mr Pool proposed to pay £38. money & 20<sup>s</sup> M<sup>r</sup> Newton's fees for a final issue. I told him if ye Women concerned w<sup>d</sup> accept it, I w<sup>d</sup> be satisfyed, & w<sup>d</sup> give M<sup>r</sup> Newton a speedy acco<sup>t</sup> therof. I accordingly spake w<sup>th</sup> M<sup>rs</sup> Long & M<sup>rs</sup> Tuck, who did both accept his proposals.

12 from this day to y<sup>e</sup> 17<sup>th</sup> moderate weather & som Raine.

18 Tho. Gilbert saild for Jamaica. Wind at N. W. blew hard, a flight of snow, cold weather.

19 Saturday, wind at W. & W & by N. blew hard, faire weather & cold.

28 W<sup>m</sup> Gerrish, shipped on a sloop, bound for Mountserratt, Edw. Loyd M<sup>r</sup> at 40<sup>s</sup> 7<sup>d</sup> mense.

January 22 Cap<sup>t</sup> Dolbury arrived at Cape Cod from London, Rob<sup>t</sup> Orchard a passenger in him, came to Boston by Land y<sup>e</sup> 26<sup>th</sup> day. brought not one Letter w<sup>th</sup> him from on board, sent from London. a Ære to Coll. page from y<sup>e</sup> M<sup>r</sup>, he brought, w<sup>ch</sup> informs y<sup>t</sup> S<sup>r</sup> W<sup>m</sup> Phipps is coming Gen<sup>l</sup> Gov<sup>r</sup> over all y<sup>e</sup> territory from y<sup>e</sup> East end of Newyork to y<sup>e</sup> West end of Newfoundland. y<sup>t</sup> ffoy & Quelsh & Bant are taken Bob. Orchard tells y<sup>e</sup> same; y<sup>e</sup> News of y<sup>e</sup> Gov<sup>r</sup> they rec<sup>d</sup> at plim<sup>o</sup>. 6 weekes passage from plym<sup>o</sup>, y<sup>t</sup> Ware & Gillam came out w<sup>th</sup> them

more short-hand alphabets existing before 1692 the only one that furnishes a clew is that of Thomas Skelton, 1650, which is the same, substantially, as that of Elisha Coles, 1674. A few of the characters are double consonants or arbitrary symbols not given in the alphabet, so that their meaning can only be conjectured. What is doubtful is given within brackets. Using Skelton's alphabet, I make the entries to read as follows:—

1691, Dec. 2. "M<sup>r</sup> Knill [th]is m[or]ning told me [at our] h[ou]s[e]: t[hat] he was sur[e] he sh[ou]ld n[ot] liv[e] 30 da[y]s mor[e]: he was in a pa[y]ing: to [save] being [attached?]"

1694, May 8. "Jos. Arnald for Antigua. / — mistris ha[ ]d went down to Nantasket:—"

1694, June 24. "myself presenting her to [him] to be baptized."

Very truly yours,

WILLIAM P. UPHAM.

January 14 A Fast thro' the Colonie by order of Gen<sup>l</sup> Court,

24 Sabbath day morning sayled sundry Vessels from Nantasket, among whom, Barachiah Arnold & Edw. Loyd for Mountserrat.

25 York at y<sup>e</sup> Eastward, Attaqued by French & Indians, most of y<sup>e</sup> Town burnt; 140 persons, missing, about 40 found kild & buryed by Cap<sup>t</sup> flood & his Company, who lay in pay at pascataq. when this ruine befell York, & went After y<sup>e</sup> mischiefe was don, to bury y<sup>e</sup> dead. M<sup>r</sup> Shubal Dummer, Minister of ye Town found cut in pieces.

Febr. 15 My Daughter Elizabeth Peirson was delivered of a son, in Boston.

S<sup>r</sup> W<sup>m</sup> Temple in a Treatise of his, thus describes King W<sup>m</sup> of England. He is a prince of great firmnes to w<sup>t</sup> he promises or denies; He speaks little but thinks much; Ambitious to be great; a prince of great vertues & no apparent Vices.

23 Rain began in y<sup>e</sup> night, & continued all y<sup>e</sup> week, more or less to rain w<sup>th</sup> much wind betw. y<sup>e</sup> S. E & N. E.

28 Likewise much rain & wind. Som raine y<sup>e</sup> 29<sup>th</sup> also.

March 1 Wind at N. W. & cleare weather.

These raines, w<sup>th</sup> y<sup>e</sup> Violent sudden melting of y<sup>e</sup> snow in y<sup>e</sup> Wildernes caused such a sudden & Violent flood y<sup>t</sup> hath done abundance of damage in most parts of y<sup>e</sup> Country, carrying away bridges, Mills &c. Connecticut river 3 ft higher y<sup>n</sup> ever it was known before, destroyed m<sup>ch</sup> Cattel in y<sup>e</sup> meadows, carryed away som Houses, & washed away in many places y<sup>e</sup> very land w<sup>th</sup> y<sup>e</sup> English graine sown in it.

Febr. 25 My Daughter Abigail [widow of Luke Greenough] was married, before M<sup>r</sup> Sewell to M<sup>r</sup> James Whippo of Barnstable.

March 1 My wife & I set out on Horsback w<sup>th</sup> son & Daughter Whippo for Barnstable, but at Roxbury were informed y<sup>e</sup> waters were so high & wayes so bad we could not pass. We returned to Boston.

2 We took passage in a Sloop, Sam. Allen M<sup>r</sup> in y<sup>e</sup> morning, but y<sup>e</sup> wind being contrary we put into Cunnihasset [Cohasset] & landed there at night; from thence we travailld by land

7 & arrived at Barnstable on Munday night y<sup>e</sup> 7<sup>th</sup> instant.

19 My wife & I set out from Barnstable came to Sandwich, staid y<sup>e</sup> Sabbath, lodged at M<sup>r</sup> Prince's.

21 We came to plimouth, lodged at M<sup>r</sup> Cottons.

22 We came to Braintree, lodged at M<sup>r</sup> fisks.

23 We came safe home, thro' Gods mercy.

1692

Apr. 18 Susanna Burrage came to us to serve for wages at 4<sup>s</sup> annũ.

Parson Gerish first went to School to M<sup>r</sup> Emerson.

21 M<sup>r</sup> Steph: Codman's sloop launched, built by M<sup>r</sup> Row.

29 M<sup>r</sup> Jn<sup>o</sup> ffoster arrived from Barbadoes.

May 3 M<sup>r</sup> Dudley arrived from N. York.

4 An Election held at Boston, y<sup>e</sup> only change made, was, M<sup>r</sup> W<sup>m</sup> Johnson of Wooburn left out & Maj<sup>r</sup> Jn<sup>o</sup> Richards taken in.

11 Cap<sup>t</sup> Elisha Bennet's ship was launched by Edw<sup>d</sup> Johnson.


14 S<sup>r</sup> W<sup>m</sup>. Phipps arrived in y<sup>e</sup> Evening (being Saturday) in y<sup>e</sup> Non-such friggot, Cap<sup>t</sup> Staples in a Hakeboat in Compay, & a french prize by y<sup>m</sup> taken on Newfoundland-banks, loaden w<sup>th</sup> Sugar, bound for france from Martinico.

16 Munday, 10 Companies in Arms, consisting in 8 of Boston & 2 of Charlestown, attended S<sup>r</sup> W<sup>m</sup> to y<sup>e</sup> Townhouse where his Co<sup>m</sup>ission was read, to be Cap<sup>t</sup> Gen<sup>l</sup> & Gov<sup>r</sup> in chiefe over Massachusets & plimouth; & y<sup>e</sup> Kings Lieu<sup>t</sup> over y<sup>e</sup> militia in Connecticut, Road Iland & province of New-Hampshire. Likewise M<sup>r</sup> Stoton's Co<sup>m</sup>ission to be Lieu<sup>t</sup> or Deputy Gov<sup>r</sup> & y<sup>e</sup> Kings Deputy Lieu<sup>t</sup> over y<sup>e</sup> militia &c. M<sup>r</sup> Addington Secretary included in y<sup>e</sup> Gov<sup>r</sup>'s Co<sup>m</sup>ission, as likewise all y<sup>e</sup> Council. M<sup>r</sup> Stoughton gave y<sup>e</sup> oath to y<sup>e</sup> Gov<sup>r</sup> as by Co<sup>m</sup>ission he was appointed y<sup>e</sup> Secretary gave y<sup>e</sup> oath to M<sup>r</sup> Stoughton & y<sup>e</sup> Council, such as were present.

26 Publike Fast held by order of y<sup>e</sup> Governm<sup>t</sup>

24 M<sup>rs</sup> Cary, wife of Nath. Cary, Committed to Cambridge prison, & put in Irons, upon suspection of witchcraft.

### Coppy of a Warr<sup>t</sup> for an Assembly.

 S<sup>r</sup> W<sup>m</sup> Phipps Kn<sup>t</sup> Cap<sup>t</sup> Gen<sup>l</sup> & Gov<sup>r</sup> in chiefe of their Maj<sup>ties</sup> province of y<sup>e</sup> Massachusets Bay in N. E. in America.  
To y<sup>e</sup> Constables or Constable of Charles town, Greeting.

These are in y<sup>r</sup> Maj<sup>ties</sup> Names W<sup>m</sup> & Mary by y<sup>e</sup> grace of God of Engl<sup>d</sup>, Scotland, France & Ireland K & Q: &c. to will & require you, upon rec<sup>t</sup> hereof, forthw<sup>th</sup> to assemble at such time & place as you shall appoint, y<sup>e</sup> freeholders & other Inhabitants of y<sup>e</sup> s<sup>d</sup> Town & place, qualified as in & by his Maj<sup>ties</sup> Royal Charter for settling of y<sup>e</sup> Governm<sup>t</sup> of s<sup>d</sup> province is directed, y<sup>i</sup> is to say, such as have an Estate of freehold in land within y<sup>e</sup> s<sup>d</sup> province or Territory to y<sup>e</sup> Value of 40/s  $\text{¶}$  annū at least, or other Estate to y<sup>e</sup> Value of 40<sup>£</sup> sterl: to Elect & depute two psons & no more to serve for & represent y<sup>m</sup> in a great or Gen<sup>l</sup> Court or assembly for y<sup>e</sup> s<sup>d</sup> province, by me appointed to be convened, held & kept at y<sup>e</sup> Townhouse in Boston upon Wedensday y<sup>e</sup> 8<sup>th</sup> day of June next ensuing y<sup>e</sup> date hereof for their Maj<sup>ties</sup> Service; w<sup>ch</sup> person so Elected or deputed by y<sup>e</sup> major part of y<sup>e</sup> s<sup>d</sup> freeholders & other Inhabitants who shalbe present at y<sup>e</sup> s<sup>d</sup> Election, you are timely to Sumon to attend y<sup>e</sup> s<sup>d</sup> great & Gen<sup>l</sup> Court or assembly y<sup>e</sup> day above prefixed by 9 in y<sup>e</sup> morning & make return of this writ w<sup>th</sup> yo<sup>r</sup> doings therein under yo<sup>r</sup> hand, into y<sup>e</sup> Secretary's Office y<sup>e</sup> day before y<sup>e</sup> s<sup>d</sup> Assembly's meeting; hereof fail not as you will answer

y<sup>r</sup> neglect. Given under my hand & seal at Boston y<sup>e</sup> 20<sup>th</sup> of May 1692, in y<sup>e</sup> 4<sup>th</sup> year of their s<sup>d</sup> Maj<sup>ties</sup> Reign.

W<sup>m</sup> PHIPPS

June 1 The freeholders of Charlestown met to choose Assemblymen Major Philllips chosen Moderatour.

It was proposed by M<sup>r</sup> Graves to Enquire who had a right in Voting & y<sup>t</sup> a list of their names might be taken; but y<sup>t</sup> was not approved. They were not willing to question any present.

The manner of Voting being discoursed, M<sup>r</sup> Graves proposed by polling according to y<sup>e</sup> way of England; but Voting by papers was preferred before it; M<sup>r</sup> Morton being y<sup>e</sup> Chiefe speaker, did w<sup>th</sup> great Vehemency (& as little prudence) inveigh ag<sup>st</sup> y<sup>e</sup> manner of Choosing parliam<sup>t</sup> men in England, calling it prophane & wicked &c.

They carryed it by a Vote to choose by papers; & y<sup>e</sup> minor part of y<sup>e</sup> Voters present chose Jacob Green sen<sup>r</sup> & Sam<sup>l</sup>. Phipps; above 40 Voters present refused to Vote in y<sup>t</sup> way, & so Voted not at all; many of whom refused to Vote, only because they carryed it in y<sup>t</sup> way. Divers freeholders we find were not warned to y<sup>e</sup> meeting so y<sup>t</sup> It is Judged an illegal choise.

2 A Court of Oyer & Terminer held at Salem this day, W<sup>m</sup> Stoughton Esq, Judge, to try severall of those who are accused of Witchcraft.

3 An old Woman, wife of one Bishop of Salem (her name was formerly Olliver) found guilty, & condemned to be hanged.

6 The Conception, a man of Warre Comanded by Cap<sup>t</sup> Fairfax arrived here from Virginia, being ordered from Whitehall to guard this Coast, as he shall receive orders from y<sup>e</sup> Governo<sup>r</sup> She is a french prize, a 5<sup>th</sup> Rate, 32 guns

8 The Assembly Convened at Boston.

y<sup>e</sup> Con- 10 Cap<sup>t</sup> Sprague myselfe & divers others of our Town, demned  
woman was went down to y<sup>e</sup> Ilands in Steph. Codman's Sloop, we came  
this day up in y<sup>e</sup> Afternoon, & y<sup>e</sup> Sloop & men Arms & Ammuni-  
hangd tion belonging to her were Impressed for y<sup>e</sup> Kings service.

11 Tho: Het sen<sup>r</sup> went up in Edw. Johnson's Cannoo tow<sup>ds</sup> y<sup>e</sup> Oyster banks near Cambridge River to get Oysters; he fell out of y<sup>e</sup> Cannoo, about y<sup>e</sup> point of marsh belonging to M<sup>r</sup> Hills farm; none being w<sup>th</sup> him. M<sup>r</sup> Hill heard a man Hallow, & casting his eyes y<sup>t</sup> way, saw a Cannoo adrift & a man in y<sup>e</sup> water; he hastned to him w<sup>th</sup> his boat, & found him on y<sup>e</sup> flats drowned in not above 3 foot water. he took him up, & brought him to Town.

July 5 A fire began in y<sup>e</sup> King's-Head Tavern in Boston, Fire  
by Halsy's Wharf, betw 11 & 12 at night, w<sup>ch</sup> destroyed about 20 Dwelling Houses & Warehouses

6 Commencem<sup>t</sup> day.

July 14 Publike Thanksgiving throughout y<sup>e</sup> province, by ord<sup>r</sup> of Gov<sup>r</sup> & Council



17 The Moon almost totally Ecclipsed.

19 Five persons Executed at Salem, being Convicted of Witchcraft.

20 I removed w<sup>th</sup> my family to Cap<sup>t</sup> Jn<sup>o</sup> Wing's House in Boston, at £12.  $\text{₧}$  annū Rent y<sup>e</sup> stable included.

12 Leat to Seth Sweetsir y<sup>e</sup> stable standing by y<sup>e</sup> House Rented by Edw<sup>d</sup> Johnson in Charlestown, at 15/<sup>s</sup>  $\text{₧}$  annū.

Aug<sup>t</sup> 3 Arrived Jn<sup>o</sup> Bolston from Jamaica, who brought y<sup>e</sup> tidings of y<sup>e</sup> amazing Earthquake at y<sup>t</sup> Iland, wherby y<sup>e</sup> whole Town of port Royal (Except y<sup>e</sup> back street) is sunk under water, & above 2000 Earthquak psons suddenly destroyed, not a House upon y<sup>e</sup> Iland, but is at Jamaica either down or greatly damnified. this hapned June 7<sup>th</sup> about noon, being tuesday, a faire, still day; y<sup>e</sup> Town all well, & sunk, being overflowed by y<sup>e</sup> sea in y<sup>e</sup> space of 2 or 3 minutes; 4 or 5 fathom water & in som places more now over y<sup>e</sup> Town.

4 A fast at y<sup>e</sup> North-Church in Boston.

12 A fast at Charlestown.

A post from pascataq, gives acco<sup>t</sup> of y<sup>e</sup> arrival of y<sup>e</sup> Mast ships, w<sup>th</sup> a man of warr of forty odd guns, in whom M<sup>r</sup> Jn<sup>o</sup> Usher came, L<sup>t</sup> Gov<sup>r</sup> of y<sup>t</sup> province;

News from England, y<sup>t</sup> on y<sup>e</sup> 18<sup>th</sup> or 19<sup>th</sup> of May, y<sup>e</sup> English & french fleets Engaged; y<sup>t</sup> y<sup>e</sup> french was routed, about 23 of their Capitoll Ships burnt & sunk, wherof y<sup>e</sup> Admiral & Vice admiral, of 104 guns a ps, y<sup>e</sup> rest most of 80 & 70 guns a ps, none under 60 guns. a little before this Engagem<sup>t</sup>, a grand plot was discovered, wherein several Lords & Gentlemen were concerned to bring in King James.

13 Cap<sup>t</sup> Bozinger arrived in Boston, who came w<sup>th</sup> y<sup>e</sup> mast ships from London.

11 Leat to Daniel of Boston Butcher, y<sup>e</sup> stable belonging to Cap<sup>t</sup> Wings House, at 40/s  $\text{₧}$  annū. Rent to begin when put in repaire; M<sup>r</sup> Jn<sup>o</sup> Fowl present at y<sup>e</sup> Agreeem<sup>t</sup>.

15 The Stable repaired, y<sup>e</sup> Rent began this day, being Munday

Sep<sup>t</sup> 5 M<sup>r</sup> Jn<sup>o</sup> Foster sailed for Barbadoes, being Munday, a fair wind continued till Thursday morning.

Sep<sup>t</sup> 16 Cap<sup>t</sup> Jn<sup>o</sup> Carter of Wooburn was buried (who dyed of a fever) the bearers were, Cap<sup>t</sup> W<sup>m</sup> Johnson, Cap<sup>t</sup> Jos. Lynde, Cap<sup>t</sup> Jer. Swain, Cap<sup>t</sup> Jn<sup>o</sup> Brown, Cap<sup>t</sup> Jonath. Danforth & myself. gloves to y<sup>e</sup> bearers.

17 The Governo<sup>r</sup> saild for Pemiquid in y<sup>e</sup> sloop Mary.

y<sup>e</sup> 20<sup>th</sup> 19 Cap<sup>t</sup> Gilbert & Cap<sup>t</sup> Emes arrived from Canada river, M<sup>r</sup> Hough brought 2 doz. Can- they brought in w<sup>th</sup> y<sup>m</sup> a french prize, a Flyboat, Judged about 300 Tuns full of french Goods, taken in y<sup>e</sup> mouth of Canada; bound up y<sup>e</sup> River, from France, she is judged a Rich ship.

24 8 psons hanged at Salem, & one pressed to death som dayes before being Condemned about Witchery. 21 in all have been Executed at Salem since y<sup>e</sup> Court began.

26 I Rec<sup>d</sup> of M<sup>r</sup>s Grace Ireland £12. 0. 0 in good p<sup>s</sup> of  $\frac{\infty}{\infty}$  for w<sup>ch</sup> I gave her a Bond under my hand & Seale to pay to her Husband M<sup>r</sup> Jn<sup>o</sup> Ireland £12. 9. 6 in good & Lawfull money of N. E. on or before y<sup>e</sup> 26 of march next; she promised y<sup>t</sup> If they could spare it & I sh<sup>d</sup> desire it, I might have it another halfe yeare.

M<sup>r</sup> Jn<sup>o</sup> Ireland arrived from Nevis this Evening.

28 Cap<sup>t</sup> Elisha Bennet sailed for Barbadoes & Cap<sup>t</sup> Quelsh for Jamaica. They stopt at Nantasket.

29 The Governo<sup>r</sup> arrived from Pemiquid.

Oct. 8 A Rainy day Wind at N. cleer night & a hard frost, wind N. W

9 Sabbath day, Wind at N. W. a very cold day.

10 Snow in y<sup>e</sup> morning, fair before noon, snow gone by 1<sup>st</sup> snow Noon.

11 Maj<sup>r</sup> Hinchman, lodged here this night, & desired quarters & lodging here till y<sup>e</sup> Gen<sup>l</sup> Assembly shall end. w<sup>ch</sup> we granted

12 Gen<sup>l</sup> Assembly began; Cap<sup>t</sup> Goodenow, began to Quarter here this night on y<sup>e</sup> same occasion w<sup>th</sup> Maj<sup>r</sup> Hinchman.

15 Maj<sup>r</sup> Hinchman went home after dinner. Cap<sup>t</sup> Goodenow staid here.

30 The Man of Warre & Mast Ships saild from Pascatq. Mad<sup>r</sup> Daniel & M<sup>r</sup> Woodgate went Passengers.

Dec. 2 M<sup>r</sup> Thwing saild for Montserat.

3 Edw<sup>d</sup> Loyd saild for Montserat.

14 I rec<sup>d</sup> a lre from B<sup>r</sup> Parson, by one Monk, who arrived here y<sup>e</sup> 12<sup>th</sup> day. in it a Bill Exchange drawn by M<sup>r</sup> Anthony Hodges of Montserat for £36. 5. 0. payable to my Brother or order, by M<sup>r</sup> James Leblond of Boston at 10 ds sight I did y<sup>e</sup> same day present y<sup>e</sup> Bill to him, who p<sup>d</sup> y<sup>e</sup> money on sight. It was signed by my Brother on y<sup>e</sup> back side.

15 M<sup>r</sup> James Berry Arrived from Jamaica, by whom we have y<sup>e</sup> sad News of M<sup>r</sup> Clutterbucks death after his arrival at Jamaica, taken sick Sep<sup>r</sup> 24. dyed y<sup>e</sup> 29<sup>th</sup> Also of y<sup>e</sup> continuance of y<sup>e</sup> Earthquake, & a dreadfull mortality about 4000 dead since ye Earthquake, besides those y<sup>t</sup> perished by it, Computed about 2000 persons.

13 Tuesday: Betty Palladay came home from M<sup>r</sup> Taylors & Betty Gerrish went to M<sup>r</sup> Taylor's in her place.

19 Cap<sup>t</sup> Emes in y<sup>e</sup> Flyboat S<sup>t</sup> Jacob sailed for Salturtootha [Salt Tortugas].

20 M<sup>r</sup> Jos. Lynde saild in his Ketch for Salturtootha.

19 Cap<sup>t</sup> James Thomas Sailed for Barbadoes.

21 In y<sup>e</sup> Evening, about 6 of y<sup>e</sup> Clock, a fiery meteor blazed w<sup>th</sup> a great light, sending from it 7 or 8 distinct balls of fire, shooting from y<sup>e</sup> West tow<sup>ds</sup> y<sup>e</sup> S. E. as Cap<sup>t</sup> Benj<sup>s</sup> Gillam & Cap<sup>t</sup> Eldridge have affirmed who diligently observed it & say y<sup>e</sup> light continued about 2 minutes M<sup>r</sup> Sheafe is my Authour, who told me he rec<sup>d</sup> this acco<sup>t</sup>

from y<sup>e</sup> abovenamed persons; it was also Visible to all y<sup>t</sup> were out of their Houses in y<sup>e</sup> open Aire.

22 Acco<sup>t</sup> of y<sup>e</sup> death of M<sup>r</sup> Jn<sup>o</sup> Russell of Hadley, who Sickned & dyed in or about one houres time; he was Minister of y<sup>t</sup> Towne. y<sup>e</sup> day of his death was on the day of this instant December.

March 12 Cap<sup>t</sup> Gilbert Bant arrived from London.

19 Cap<sup>t</sup> Jose arrived from London.

1693

April 22 Cap<sup>t</sup> Emms in Ship S<sup>t</sup> Jacob arrived w<sup>th</sup> Salt from Xuma [Exuma]. Nath. Green arrived from Barbadoes.

18 Indians are supposed this day to have murthered a man & 2 children & to have Carried away a Woman & a boy at Lampereele river, y<sup>e</sup> dead being found, & y<sup>e</sup> others missing, but none of y<sup>e</sup> House left to give any acco<sup>t</sup>

May 8 Six persons, men, Women & Children murthered by Indians at York near pascatq.

10 My wife returned from Wenham, whether I carried her Apr. 28<sup>th</sup>

12 M<sup>r</sup> W<sup>m</sup> Thwing arrived from Montserat.

14 M<sup>r</sup> Stretton arrived from Montserat.

17 Edw<sup>d</sup> Loyd in Ship prosperous arrived from Nevis.

Five hh<sup>ds</sup> sugar 4 B<sup>r</sup> parsons, one W<sup>m</sup> Gerish's landed out of Stretton into M<sup>r</sup> Cooper's Warehouse.

Six Tierces sugar B<sup>r</sup> Parsons out of Thwing landed & put into M<sup>r</sup> Lillies Warehouse.

23 M<sup>r</sup> Hall & M<sup>r</sup> Rankin came in from Xuma.

I weighed to M<sup>r</sup> Tho. Cooper 4 hh<sup>ds</sup> B<sup>r</sup> parson's & one hh W<sup>m</sup> Gerrish's Sugar.

24 M<sup>r</sup> Rich<sup>d</sup> Foster came in from Salturtootha.

25 This morning betw. 12 & one, a fire broke out in Boston, in y<sup>e</sup> Lane opposite to Halsy's Wharfe, it began in one Holt's House a Baker. & proceeded up<sup>ds</sup> y<sup>e</sup> lane, one House being blown up below & Giles Fyfields house above stopt it (w<sup>th</sup> Gods blessing) so as to burn down only 3 houses, w<sup>ch</sup> w<sup>th</sup> 2 blown up 5 in all Fire. were destroyed, how this fire was first kindled, is not known; In blowing up one House David Edw<sup>ds</sup> Arm was brok; & one Whit-terige a stout Seaman so bruised y<sup>t</sup> he is said this day to be near death, this was don by y<sup>e</sup> fall of timbers upon them.

June 11. Their Maj<sup>ties</sup> Fleet consisting of about 17 Saile of Men of Warre & Tenders, under y<sup>e</sup> Comand of S<sup>t</sup> Fra: Wheeler General, arrived here from Martinico.

July 5 Commencem<sup>t</sup>

6 A Fast at the old Church.

August 2 S<sup>t</sup> Francis Wheeler & y<sup>e</sup> fleet sailed hence.

1694

April 2 Major Jn<sup>o</sup> Richards of Boston dyed suddenly, being in

health (to appearance) a moment before : being opened his Vitals appeared Very sound.

April 6 Maj<sup>r</sup> Richards was buried at y<sup>e</sup> North burying place with the foot Regiment attending the funeral.

9 S<sup>r</sup> W<sup>m</sup> Phips Sailed from Boston in a Brigantine bound to the Eastward.

22 Cap<sup>t</sup> Benj<sup>s</sup> Gillam Command<sup>r</sup> of Ship Prud<sup>s</sup> Sarah, arrived here from London.

30 Raine began, being Munday, Wind at E. & N. E. continued till Thursday foll. much Raine fell in y<sup>e</sup> time Little or no Raine having fallen in a month before.

May 7 D<sup>r</sup> Daniel Allen, a true Lover of his Country & most Loyal to the Crown of England, Learned, Wise, Humble pious, most true to his friend, the approved, able and beloved physician &c. Sickned Saturday the 28<sup>th</sup> day of April in y<sup>e</sup> night, and dyed this day being Munday, to the universall grieve of all good men who were acquainted with his worth.

8 Jn<sup>o</sup> Tenny & M<sup>r</sup> Bishop sailed for Montserat  
Jaris for Nevis.

Jos. Arnald for Antigua. [The rest of this line is in cypher; and for a translation, see note, page 159, *ante*.]

9 D<sup>r</sup> Allen buried.

6 Cap<sup>t</sup> Horton in ship Tryal who came out in Company with Cap<sup>t</sup> Gillam arrived this day.

4 M<sup>r</sup> Brenton set out for Road-Iland, a privatier one Cap<sup>t</sup> Too, arrived there April 28<sup>th</sup> with much treasure y<sup>e</sup> Dep. Collect<sup>r</sup> Seized y<sup>e</sup> Sloop, & gave notice of it to y<sup>e</sup> Collect<sup>r</sup> w<sup>ch</sup> occasioned his going thither.

May 10 M<sup>rs</sup> Jose went tow<sup>d</sup> Pascataq, this day, her son Richard Lee sent to our House, there to stay till her return.

23 S<sup>r</sup> W<sup>m</sup> Phipps arrived from pemiquid.

June 2 M<sup>rs</sup> Jose returned.

12 Eclips of the sun, a clear day.

Cap<sup>t</sup> Wing sent his Daughter to Warn me out of his house

19 Cap<sup>t</sup> Dagget saild for London.

22 Jn<sup>o</sup> Phillips & his B<sup>r</sup> Sam. philips saild in a sloop for Bristoll.

Gen<sup>l</sup> Court adjourned to y<sup>e</sup> first Wedensday in 7ber.

16 My Daughter Abigail wife of James Whippo delivered of a Son at Barnstable about Noon, y<sup>e</sup> next day baptized by y<sup>e</sup> name of Laurence.

24 My Daughter Elizabeth wife of Tho. Pierson deliv<sup>d</sup> of a Daughter, who was Baptized Elizabeth by M<sup>r</sup> Morton the first day of July foll. at Charlestown [A line in cypher; and for a translation, see note, page 159, *ante*.]

25 } Gen<sup>l</sup> Training at Charlestown.  
26 }

July 18 In y<sup>e</sup> morning a little before day, The Indians fell upon &

destroyed y<sup>e</sup> Village called Oyster river [Durham] in y<sup>e</sup> province of New Hampshire, Killed above 50 persons, & many Carried away, & burnt most of y<sup>e</sup> Houses.

2 or 3 days after a party came down within 2 miles of Strawberry bank [Portsmouth, N. H.], & Killd y<sup>e</sup> Widow of M<sup>r</sup> Jn<sup>r</sup> Cutt & a Negro man, & wounded another negro;

20 S<sup>r</sup> W<sup>m</sup> Phips Sailed in y<sup>e</sup> Galley to y<sup>e</sup> Eastward.

27 The Indians Set upon Groton burnt 2 Houses, kild 22 persons found dead, 13 more missing, they were pursued by about 100 Horse but they returned without finding them.<sup>1</sup>

Aug<sup>st</sup> 2 S<sup>r</sup> W<sup>m</sup> Phips returned home from Pemaquid. Indians all gon from those parts. &c.

Wind at N. E. & E. cloudy & misty all night, foggy in the morning, w<sup>ch</sup> soon turnd to raine; We had abundance of raine this day by many great showers w<sup>th</sup> thunder & Lightning, y<sup>e</sup> raine continued more or less all night.

4 The sun shined a little this morning; but y<sup>e</sup> clouds returned, & it rained very often in y<sup>e</sup> day, at Evening y<sup>e</sup> raine set in againe & continued all night with a very great Storm of Wind at N. E.

5 Sabbath day a clear, hot, sunshine day. This raine is Judged very seasonable for y<sup>e</sup> grass & Indian Corn w<sup>ch</sup> in many places was Languishing for want of Raine

This Evening Cap<sup>t</sup> Fox's child was baptized (named John) by M<sup>r</sup> Hatten at Cap<sup>t</sup> Fox's House, Godfathers M<sup>r</sup> Ja : La-blond & M<sup>r</sup> Sherloe Godmother the Wife of M<sup>r</sup> Tippet.

M<sup>rs</sup> Fox was delivered July 29<sup>th</sup> about 6 o'clock in y<sup>e</sup> morning being y<sup>e</sup> last Sabbath.

7 Eben : Orton & Tho : Fowler this day signed Coven<sup>ts</sup> y<sup>e</sup> s<sup>d</sup> orton to build the s<sup>d</sup> Fowler a Barque at Hingham, according to y<sup>e</sup> Coven<sup>ts</sup> agreed on; I drew y<sup>e</sup> Writings, & met the parties at y<sup>e</sup> Exchange Tavern betw : one & two afternoon, y<sup>e</sup> writings being signed, Sealed & deliv<sup>ed</sup> in y<sup>e</sup> p<sup>r</sup>sence of M<sup>r</sup> Sam. Shrimpton & myself Witnesses; the s<sup>d</sup> Fowler paid Said Orton £20.0.0 in good p<sup>r</sup>s of eight w<sup>ch</sup> s<sup>d</sup> Orton rec<sup>d</sup> of him in my presence. I left them at y<sup>e</sup> s<sup>d</sup> Tavern; towards night, y<sup>e</sup> s<sup>d</sup> Eben : Orton & his wife went on board a Sloop bound for Hingham, but having saild part of y<sup>e</sup> way y<sup>e</sup> wind not faire, they returned tow<sup>ds</sup> Boston, & came near y<sup>e</sup> shoar on y<sup>e</sup> south side of the Town, & there y<sup>e</sup> boom struck s<sup>d</sup> Orton overboard, & he was there drowned. this was about nine at night; the next morning he was found, w<sup>th</sup> y<sup>e</sup> money in his pocket.

<sup>1</sup> Judge Sewall, in his Diary (Mass. Hist. Coll. 5th series, vol. v. p. 391), says in regard to this assault: "Friday, July 27. Groton set upon by the Indians, 21 persons kill'd, 13 captivated, 3 badly wounded"; and the Reverend John Pike, in his Journal (Proceedings, vol. xiv. p. 128), has the following: "July 27. The enemy fell upon Groton ab<sup>t</sup> day-break, killed 22 persons & Captivated 13."

August 8 Their Maj<sup>ties</sup> Galley Called the Newport, and Cap<sup>t</sup> Jn<sup>o</sup> Foy arrived from England this day ; they parted with another Friggot & two Masts ships bound for pascatq, the 4<sup>th</sup> instant. Cap<sup>t</sup> Packston Comands the Galley.

Cap<sup>t</sup> Sewell & Maj<sup>r</sup> Townsend departed hence for Newyork y<sup>e</sup> 6<sup>th</sup> instant, to meet w<sup>th</sup> Colonel Pinchon who are here appointed to Joyn w<sup>th</sup> Colonel Fletcher in a treaty with the Maques [Mohawks] about a firm peace.

April 7<sup>th</sup> 1691.

Then Received of Laur. Hammond, by the order of Abigail Rogers of Billerica, One Deed of sale, of 12 Acres &  $\frac{1}{2}$  of land lying in Charlestowne, from John Cutler sen<sup>r</sup> of Charlestown, to William Rogers, sonn of William Rogers late of Charlestown dec<sup>d</sup> under y<sup>e</sup> hand & seal of y<sup>e</sup> said John Cutler, bearing date y<sup>e</sup> 20<sup>th</sup> day of June 1690. in presence of Nathaniel Dowse & Laur. Hammond, Wituesses. I say rec<sup>d</sup> by me.

DANIL GOULD

1677 A memoriall of Mortality, being an Acco<sup>t</sup> of the Death's of Persons in New-England, concerning w<sup>ch</sup> some remarkable Circumstances attend the same, & Especially of such growne persons who have dyed in Charlestowne ; begining w<sup>th</sup> y<sup>e</sup> yeare 1677.

March 17 D<sup>r</sup> Sam. Alcock, of Boston, after long languishing, Dyed.

May 14 M<sup>r</sup> David Anderson, Commander of Ship Blessing, bound home from London, dyed neer this land, buried on shore at his funeral, 24 Guns fired from y<sup>e</sup> ship & 12 frō y<sup>e</sup> Towne

June 15 Francis Willoughby, youngest son of Fra. Willoughby Esq<sup>r</sup>, coming from London in Cap<sup>t</sup> Jenner, dyed at sea, w<sup>th</sup> y<sup>e</sup> smallpox.

July 17 Two men kild by Lightning, one at Topsfield & another at Wenham.

July 18 Skipper How returned, after a wonderfull preservation at Sea, five persons dying on board & upon a desolate Iland upon w<sup>ch</sup> he was cast, all perishing Except himselfe.

Aug 5 M<sup>r</sup> Rich<sup>d</sup> Sharp of Boston, who came in well from sea on y<sup>e</sup> 2<sup>d</sup> instant, dyed of a viol<sup>t</sup> distemper, poysen suspected.

6 M<sup>r</sup> Jn<sup>o</sup> Lake of Boston, dyed, whose will M<sup>r</sup> Sharp aforementioned wrot y<sup>e</sup> 4<sup>th</sup> instant ; but dyed before y<sup>e</sup> Testato<sup>r</sup>.

27 Isaac Foul's Daughter about 4 yeares old, was Drowned in Josh. Edmund's well.

28 Tom my Negro-man, dyed w<sup>th</sup> the smallpox.

Sept 9 W<sup>m</sup> Willoughby, dyed of the small-pox.

M<sup>r</sup> Jos. Brown's Negro-woman, Rose, dyed of y<sup>e</sup> small-pox.

13 Tho. Mousal's wife dyed of a feaver &c.

21 John Edmunds, dyed of a consumption.

22 John Candag's daughter dyed of y<sup>e</sup> smallpox.

28 M<sup>r</sup> Jn<sup>o</sup> Anderson of Boston, Shipwright, dyed.

Oct. 8 Phebe Richardson, of Cap<sup>t</sup> Hinchman's family, dyed of y<sup>e</sup> small-pox.

10 Acco<sup>t</sup> brought of the death of M<sup>r</sup> Benj<sup>a</sup> Gibbs, late of boston slaine by his own Indian in y<sup>e</sup> bay of Campech.

11 M<sup>rs</sup> Rawson, the wife of M<sup>r</sup> Edw. Rawson, after some time of sicknes, dyed.

15 The wife of Lieu<sup>t</sup> Ted, after long sicknes, dyed.

17 The maid of M<sup>r</sup> Tho. Graves in this Towne, dyed of y<sup>e</sup> smallpox.

Nov. 6 Ensign W<sup>m</sup> Fletcher of Chelmsford, dyed of Gripings.

12 Sarah Tredway, M<sup>r</sup> Graves other maid, dyed of y<sup>e</sup> smallpox.

16 John Tomlin of Boston, under discontent, Hanged Himselfe.

20 Goodm. Williams of Boston, an aged man, cut his owne throat & dyed.

M<sup>r</sup> Mather this day informed me, that in Plimouth Colonie, about a month agoe, an English Woman, said to have had 19 children, & w<sup>th</sup> child of y<sup>e</sup> 20<sup>th</sup> & two Indians, murdered themselves.

25 Jn<sup>o</sup> Upham, a Sojourn<sup>r</sup> at Jn<sup>o</sup> Mousal's, dyed of ye Smallpox.

28 Jn<sup>o</sup> Dowse of Charlestowne, dyed of y<sup>e</sup> Smallpox.

Decemb. 9 W<sup>m</sup> Johnson, an aged man of Charlestowne, dyed.

10 Tho. Larkin, dyed of y<sup>e</sup> Small-pox.

Jn<sup>o</sup> Dexter of Malden shot by Cap<sup>t</sup> Sam. Hunting of Charlestown whereof he dyed, it was by accident done y<sup>e</sup> last week.

12 A new borne child found in Boston-Dock, w<sup>ch</sup> had been murdered.

16 W. Sheaf's wife, dyed of y<sup>e</sup> Smallpox.

22 M<sup>r</sup> Tho. Shepard, y<sup>e</sup> Reverend & super-Eminent Teacher of this church, dyed of y<sup>e</sup> small-pox.

29 John Poor's wife dyed of y<sup>e</sup> smallpox.

The Mate of a Ketch, under saile in Boston Harbour, fell overboard & was drowned.

Janua: 1 Jn<sup>o</sup> Burrage Junior, dyed of y<sup>e</sup> small-pox.

2 W<sup>m</sup> Brown Senior, his child. dyed of y<sup>e</sup> smallpox.

7 Zech. Foule, dyed of the small-pox.

16 D<sup>r</sup> Sam. Brackenbury of Boston, dyed of y<sup>e</sup> smallpox.

17 M<sup>rs</sup> Norton, widow of M<sup>r</sup> Jn<sup>o</sup> Norton of Boston, dyed of an Appoplexy.

M<sup>r</sup> Alex. Adams, of Boston, dyed y<sup>e</sup> 15<sup>th</sup> instant.

18 Mary Keyes, Nath. Frothingham's maid, dyed of y<sup>e</sup> small-pox.

22 M<sup>rs</sup> Howard, Maj. Willard's daughter & Nath. Howard's wife, dyed.

30 Mary, y<sup>e</sup> widow of Zech. Foule, died of y<sup>e</sup> small-pox.

Febr. 6 M<sup>r</sup> Antho. Checkly's wife of Boston, dyed, being in trouble of mind refused to eat.

17 Jn<sup>o</sup> Larkin, after 13 weekes illnes of y<sup>e</sup> smallpox &c. dyed.

28 Deborah Long, daughter of Mich. Long, dyed of y<sup>e</sup> smallpox.

March 8 Old Father Jones, near 90 yeares of age, dyed.

10 M<sup>r</sup> Jos. Lynde's Indian dyed of y<sup>e</sup> smallpox.

18 Jn<sup>o</sup> Bacon's child dyed of y<sup>e</sup> smallpox.

Old widow Cutler dyed w<sup>th</sup> Distempers of old age.

1678

March 20 Jn<sup>o</sup> Bacon's wife dyed.

25 Hannah Kettle, daughter of Jos Kettle dyed of the smallpox.

April 4 Jn<sup>o</sup> Lowden, who hath stood for some time Exco<sup>m</sup>municated, dyed.

5 M<sup>r</sup> Josiah Allen, a Merch<sup>t</sup> in Boston, being on board Cap<sup>t</sup> Benj. Gillam's great ship, was shot to death by a fouling piece, accidentally firing in a boat, going off y<sup>e</sup> ship side.

7 Jn<sup>o</sup> Newel's child dyed of y<sup>e</sup> smallpox.

Jn<sup>o</sup> Bacon, dyed of y<sup>e</sup> smallpox.

13 Nath. Rand's wife, dyed of y<sup>e</sup> small pox.

18 Widow Barret's child dyed of y<sup>e</sup> smallpox.

M<sup>r</sup> Newman, Minister at Rehoboth, dyed since this month began.

26 Tho. Tarbal<sup>1</sup> dyed of y<sup>e</sup> smallpox.

29 M<sup>r</sup> Hayman's Negro man, dyed; He well on Saturday forenoone, Drunk in y<sup>e</sup> Afternoone, taken w<sup>th</sup> an Exceeding swelling in & about his Cods on y<sup>e</sup> Sabbath, & dyed ys morn<sup>g</sup>

May 1 M<sup>r</sup> Sam. Ballat's wife dyed of y<sup>e</sup> small-pox.

Sarah Osburne dyed of y<sup>e</sup> smallpox.

9 M<sup>r</sup> Jos. Browne (lately removed hence to Boston) dyed, having been for some time ill.

13 M<sup>r</sup> Jn<sup>o</sup> Lake's widow dyed in Boston of y<sup>e</sup> smallpox ;

17 M<sup>rs</sup> Starre, formerly Gatliefe of Boston, dyed of y<sup>e</sup> small-pox.

23 W<sup>m</sup> Goose, Junior dyed at Sea on board one Johnson, coming from London, the ship came in this day ; he dyed of y<sup>e</sup> smallpox.

28 Ezek. Hamblin's child, dyed of y<sup>e</sup> smallpox.

30 Ezek. Hamblin's child (viz. another) dyed of y<sup>e</sup> smallpox.

Sarah Sawyer, M<sup>r</sup> Green's maid, dyed of y<sup>e</sup> smallpox, or pestilentiall feaver, in a strange manner ; it was on y<sup>e</sup> 29<sup>th</sup> instant.

June 6 Sam. Carter Junior, dyed of y<sup>e</sup> smallpox.

9 Ursula Cole, y<sup>e</sup> wife of Jn<sup>o</sup> Cole sen<sup>r</sup> dyed of a feaver.

11 Old Goodm Tarbal,<sup>1</sup> & y<sup>e</sup> wife of Jn<sup>o</sup> Cole Jun<sup>r</sup> & her child born yesterday, dyed of y<sup>e</sup> small pox.

18 Newes of a Woman & two children murthered by Indians about New-London.

<sup>1</sup> Thomas Tarbell, Jr., a former resident of Groton, but who after the destruction of that town by the Indians on March 13, 1676, had removed to Charlestown. Thomas, the father, died seven weeks later, also at Charlestown, on June 11 ; and they both were original proprietors of Groton.



June 19 Three Indians of Natik kild by y<sup>e</sup> Mohawkes, & divers captiv'd.

30 Cap<sup>t</sup> Tho. Clerk, Ironmonger in Boston dyed.

July 4 M<sup>r</sup> Timo. Symmes dyed of y<sup>e</sup> small-pox.

15 M<sup>rs</sup> Marshal, wife of M<sup>r</sup> W<sup>m</sup> Marshal, dyed of y<sup>e</sup> smallpox.

Aug. 6 Henry Swaine's wife dyed of y<sup>e</sup> smallpox

The following receipts are of interest, as showing the crude ideas that prevailed more than two centuries ago, here and elsewhere, in regard to medical therapeutics.

### PHYSICAL RECEIPTS.

#### FOR COMFORTING THE HEAD & BRAINE.

Take Rosemary & Sage of both sorts of both, w<sup>th</sup> flowers of Rosemary if to be had, & Borage w<sup>th</sup> y<sup>e</sup> flowers. Infuse in Muscadine or in good Canary 3 dayes, drink it often.

The fat of a Hedg-hog roasted drop it into the Eare, is an Excellent remedy against deafnes.

Also a Clove of Garlick, make holes in it, dip it in Honey, & put it into the Eare at night going to bed, first on one side, then on the other for 8 or 9 dayes together, keeping in y<sup>e</sup> Eares black wooll.

#### AN EXCELLENT WATER FOR Y<sup>E</sup> EYES.

Take Sage, Fennel, Vervain, Bettony, Eyebright, Celandine, Cinquefoyle, Herb of grass, pimpernel, Steep them in White wine one night, distill all together, & use the water to wash the Eyes.

The juice of Eyebright is Excellent for y<sup>e</sup> sight.

#### ANOTHER.

Take good White wine, Infuse Eyebright in it 3 dayes, then Seeth it w<sup>th</sup> a little Rosemary in it, drink it often, it is most Excellent to restore & Strengthen the sight. Also Eate of the powder of Eyebright in a new layd Egge rare roasted every morning.

#### ANOTHER.

Take Fennel, Anniseed & Elicompaine, dry & powder them, mix it with good Nants-brandý, & dry it againe: Every morning & Evening eate a pretty quantity it is Excellent for y<sup>e</sup> sight.

#### A MEDICINE TO RECOVER Y<sup>E</sup> COLOUR & COMPLEXION

##### WHEN LOST BY SICKNES.

Take two quarts of Rosewater red, take five pounds of clean White Wheat, put it into y<sup>e</sup> Rosewater, Let it Lie till the Wheate hath soaked up all y<sup>e</sup> Liquor, then take the Wheat & beat it in a mortar all to mash.

Nettle Seeds bruised & drank in White Wine is Excellent for the Gravel.

## FOR HOARSNES.

Take 3 or 4 figs, cleave them in two, put in a pretty quantity of Ginger in powder, roast them & Eat them often.

## FOR THE PALSEY.

Take a pint of good Mustard, dry it in y<sup>e</sup> Oven till it be as thick as a pudding, then dry it over a Chafing dish of Coales till it may be beaten to powder mix w<sup>th</sup> it a handfull of powder of Bettony leaves, put som Sugar to it & Eat it every morning.

## FOR THE MEGRUM.

Mugwort & Sage a handfull of each, Camomel & Gentian a good quantity, boyle it in Honey, & apply it behind & on both sides y<sup>e</sup> Head very warm, & in 3 or 4 times it will take it quite away.

Mr. C. F. ADAMS then said : —

In submitting to the Society a lengthy and somewhat elaborate paper on a subject which has been frequently discussed here and elsewhere, I wish to say a few words in regard to the reasons which led to, and the circumstances which accompanied, its preparation. As some of the members of the Society know, I have for a number of years, as opportunity admitted, been engaged in a study of New England town and church government ; and in the course of it I have been led into several investigations too detailed to form part of my main work, but necessary to support or explain the conclusions set forth in it. One of these collateral and subordinate studies, if I may so call them, I submitted to the Society in a paper read by me at the meeting in June last, and the present paper is another study of the same character.

I wish also to add that the conclusions set forth in this paper are wholly at variance with the conclusions I had previously reached in a preceding paper on the same subject prepared some months ago. In preparing that earlier paper I reached certain results drawn from the local records and other material I had before me, studied in the light thrown upon them by recent investigators in the same general field. How wholly at variance those results were with the conclusions I have since reached in the paper I have in my hand becomes apparent when I quote the following extract from the earlier and suppressed paper : —

"Such was the common-law English vestry, and its close resemblance both in function and method of procedure to the New England town-meeting is obvious. . . .

"Towards the close of the sixteenth century and during the early years of the seventeenth, the vestry underwent a singular fate; for while on the one hand, and in the Established Church, it was as a civic and political force systematically suppressed or made to perish from disuse,<sup>1</sup> on the other hand, among the non-conformist and Puritan elements it developed, until, ceasing any longer to be known as the vestry, it became the church itself, — or, as it was subsequently called, the congregational society. And it was in this transmuted form that the vestry came to Massachusetts, leaving its name behind, but bringing with it its forms and its officers, — its notices and its public meetings, its constables, its way-men and its tithing-men.<sup>2</sup>

"The Massachusetts congregational society, thus developed out of the vestry, under its new conditions and in process of time itself developed in the most obvious way into government by town-meeting. The society was a unit in itself, — at once a religious fold, a debating society, and a social club. Democratic to the last degree, it had, besides its articles of faith, its prudential machinery, its rules controlling the admission of members, and its forms of procedure. In other words, it was a theological commonwealth, from which, if not subjected to outside interference, the evolution in due time of a political republic might have been predicted with certainty. Such, then, was the line of development, or rather the course of evolution, — the vestry, the congregational society, the New England town-meeting; and this, as already pointed out, can be distinctly traced through the common nomenclature of officers, as well as through the records of the particular town."

Having completed this paper, I sent copies of it to our associates, Messrs. Goodell and Chamberlain, as I knew they had given much study to the subject, and I was anxious to have my conclusions subjected to their criticism. These copies were in due course of time returned to me by both gentlemen with long and friendly letters, for which, though they satisfied me completely that my theories would not bear examination, I felt greatly obliged. After reading their letters it was obvious to me that I had, by no means for the first time, fallen into the error of generalizing from insufficient data, and that whether Messrs. Goodell and Chamberlain were or were not

<sup>1</sup> May's Constitutional History, chap. xv.

<sup>2</sup> Channing's Town and County Government; Adams's Tithing-men and Norman Constables.

right in their own conclusions, it was necessary for me to go over the ground again in a wholly different way.

The method of investigation I then adopted is sufficiently set forth in the paper I now submit; and I make this preliminary statement merely to express the obligation in this matter I feel myself under to our two associates. The conclusions reached, such as they are, are my own; but, as will readily be seen, they are much more nearly in accord with those heretofore expressed by Messrs. Goodell and Chamberlain, and by them incorporated in the Proceedings of the Society,<sup>1</sup> than with the views of investigators of another school.

I will merely further add, that, following the precedent set by Mr. Deane, — a most excellent precedent it seems to me, set by one than whom no higher authority can be appealed to in this room, — following, I say, the precedent set by Mr. Charles Deane in his discussion with the late Professor Parker in 1869,<sup>2</sup> I have sent copies of the paper I am about to submit to Messrs. Chamberlain and Goodell, as well as to our librarian, Dr. Green, and to Professor Channing, — who also have given much attention to this subject, — and have asked those gentlemen to come here to-day and freely express their opinions both on the methods I have pursued and the results I have reached. What we want, of course, is a statement of historical conclusions which will stand criticism of the severest description. It is easy to invent theories and to advocate particular views of this or any other disputed problem; but the truth of the matter can only be reached after every conceivable theory has been advanced and subjected to the test of investigation.

I now submit the following paper on —

*The Genesis of the Massachusetts Town, and the Development of  
Town-meeting Government.*

There has for some years been a noticeable tendency among antiquarians and students of history, to find in the usages and customs of New England town life traces and remnants of forgotten communal systems peculiar to earlier stages of civil and political development. By those composing one section

<sup>1</sup> 2 Proceedings, vol. v. pp. 265–280, 320–331.

<sup>2</sup> Proceedings, 1869–1870, p. 188.

of this school, — a school the thought and conclusions of which are the indisputable result of deep research, — an ancient and honorable lineage has been devised for town institutions, — a lineage running back through Anglo-Saxon to Germanic sources, and the primitive tribal and communal arrangements described by Tacitus. The town has thus been derived by direct descent from the “tun,” while the folk-mote is found to have been the origin of the town-meeting. A noticeable example of this treatment is that striking passage in his “History of the English People,” where the late John Richard Green points out the geographical birthplace and very cradle of both town and folk-mote, on the shores of the North Sea and the Baltic; just as some explorer, acting as a guide, might point out to wondering tourists a tiny lakelet, the source of some mighty river.<sup>1</sup>

The New England town-meeting was, and still is, the political expression of the town; and probably there is no single American institution which, since De Tocqueville made it famous half a century ago, has excited so much and such wide-spread interest and admiration. In dealing with it statesmen, philosophers, historians, and orators have seemed to vie in words of commendation. The town-meeting has, in fact, been the one feature in American polity which no one has as yet seen fit to criticise adversely. Naturally, therefore, what may be called the genesis of the town-meeting has proved a peculiarly interesting matter of investigation to those in America composing the school of students just referred to.<sup>2</sup>

My attention has recently been drawn to this subject in the course of a careful study of the records of an individual Massachusetts town, while preparing a volume now passing through the press. However it might be with other towns in New

<sup>1</sup> Green's History of the English People, vol. i. p. 13.

<sup>2</sup> See the following papers in the Johns Hopkins University Studies: Freeman's Introduction to American Institutional History; Herbert B. Adams's The Germanic Origin of New England Towns; Saxon Tithing-Men in America; Norman Constables in America; Channing's Town and County Government in the English Colonies of North America; Andrews's The River Towns of Connecticut. Also, Johnston's Connecticut; Hosmer's Samuel Adams; and the papers of Messrs. Chamberlain and Goodell in 2 Proceedings, vol. v. pp. 265-280, 320-331, on “The New Historical School and the Origin of Towns in Massachusetts.”

England, I found absolutely nothing in the case of this town (Braintree) to support the theories referred to. While undoubtedly, as Mr. Freeman has observed in another connection, the institutions of every one of the older Massachusetts towns "are part of the general institutions of the English people, as those again are part of the general institutions of the Teutonic race, and those are again part of the general institutions of the whole Aryan family"; yet, while a general resemblance, however striking, is in itself no evidence of descent, it is easy to give altogether too great weight to similitudes and analogies. In approaching an investigation of this sort, therefore, it is well to bear in mind a remark of Sir Henry Maine in his first lecture on Village Communities, that it is "the characteristic error of the direct observer of unfamiliar social or juridical phenomena, to compare them too hastily with familiar phenomena apparently of the same kind"; and Sir Henry further adds that "the greatest caution must be observed in all speculations on the inferences derivable from parallel usages."

But while the Braintree records afforded no support to remote genetic theories, the examination of them soon made it apparent that, for reasons presently to be stated, Braintree was not one of the towns in the history of which the subject could be advantageously studied. It was equally clear that it could be studied only in the original records of some properly selected towns; for the indications all were that the advocates of remote descent had fallen into the not uncommon error of looking too far afield for that which was in fact close at hand. Accordingly, in order to secure a sufficiently wide basis for generalization, I examined the original records, church as well as town, of Hingham, Weymouth, Dorchester, Dedham, and Cambridge, as well as those of Boston. All of the towns named, organized prior to 1636, are among the original Massachusetts towns; and the evidence on the subject of the genesis of the town and town-meeting government, to be derived from their records, it is the object of this paper to set forth in detail.

The evidence thus obtained is to my mind conclusive, that both town and town-meeting government, as seen in New England, are sprung from a simple English germ, fructifying in New England soil; they are, in fact, autochthonous,—the

natural product of a foreign seed developing under new circumstances and conditions, religious, social, material and political, local and general. Indeed, so far from there being any evidence in the records of these towns that the Massachusetts town and town-meeting government were derived from ancient Saxon and Germanic sources, — the “tun” and the “folk-mote,” — it seems clear that the town was merely a convenient though somewhat vague designation of adjacent territory for proprietary, religious, political, and military purposes, while the town-meeting, as a form of municipal government, came into existence gradually during the first twenty years of the settlement, and through a process of evolution, or rather of reproduction, as simple as it was natural.

To show clearly the evidence on which these conclusions are reached, it will be necessary to quote freely from the original records of the towns I have named; and those of Dorchester will be taken first, for the reason that, besides being one of the oldest of the Massachusetts towns, its records, both church and town, are complete and peculiarly full and instructive, indeed it may fairly be questioned whether there is any Massachusetts town in the history of which the gradual development of New England town government can be more advantageously studied than in that of Dorchester.<sup>1</sup>

On the first written page of the Dorchester records [5] those connected with the settlement are referred to as “the planters in Dorchester,” and on the succeeding page a certain agreement is recorded as having been made “by the whole consent and vote of the Plantation.” The settlement of Dorchester Neck, now South Boston, is reckoned from Sunday, June  $\frac{6}{16}$ , 1630; but the town records do not begin until 1633, and the following agreement is entered under date of the 8th of October of that year, as “made by the whole consent and vote of the plantation”: —

“Imprimus it is ordered that for the general good and well ordering of the affairs of the plantation there shall be every Monday before the Court by eight of the Clock in the morning, and presently upon the beating of the drum, a general meeting of the inhabitants of

<sup>1</sup> The first book of Dorchester Town Records, covering the period from 1632 to 1653, is printed with the Fourth Report (Document 9 — 1880) of the Boston Record Commissioners. The early church records were printed separately by the Society in 1891.

the plantation at the meeting house, there to settle (and set down) such orders as may tend to the general good as aforesaid; and every man to be bound thereby without gainsaying or resistance. It is also agreed that there shall be twelve men selected out of the Company that may or the greatest part of them meet as aforesaid to determine as aforesaid, yet so as it is desired that the most of the plantation will keep the meeting constantly and all that are there although none of the twelve shall have a free voice as any of the twelve and that the greater vote both of the twelve and the other shall be of force and efficacy as aforesaid. And it is likewise ordered that all things concluded as aforesaid shall stand in force and be obeyed until the next monthly meeting and afterwards if it be not contradicted and otherwise ordered upon the said monthly meeting by the greatest part of those that are present as aforesaid."

Several things are noticeable in this order, and among others the use of the words "inhabitants of the plantation," — a form of expression frequently found in the records from which quotations will be made. The word "inhabitants" now has a popular and accepted sense, signifying all those living or dwelling in a given territory; in the seventeenth century it had a wholly different and well understood legal meaning much more limited in character, — in the language of Coke, "forasmuch as he manures lands by that he is resident"; in other words, the common law was well settled that a man was an "inhabitant" of a place, whether he had his house there or somewhere else, when he had land in occupation in that place and was interested in the management and well being thereof; and otherwise he was not an "inhabitant."<sup>1</sup>

It is next to be observed that in the method of managing common business affairs provided in this order there is nothing suggestive of the vestry or the quarter session, or any other local governing board known in English political or constitutional history. It is the commercial enterprise which comes into prominence. The "planters" representing the ownership of the "plantation" meet and agree upon certain rules and a method of doing business; and in so doing they follow closely the system outlined in the charter of the colony. The planters, being in this case the body of inhabitants, are the General Court of the plantation, or town; and

<sup>1</sup> Toulmin Smith's *The Parish*, p. 473; Channing's *Town and County Government*, p. 12.



they in this General Court, subsequently called a town-meeting, choose certain of their number to act as a species of executive committee, exactly as the General Court of the colony elected the Board of Assistants. The planters occupied the position of the body of stockholders in a modern business corporation, while the "twelve men selected" were the board of directors.

Neither in all this was there anything novel or calculated to excite surprise. It was the usual method of business procedure then in vogue in such cases, and that in accordance with which the charter of the colony was itself framed; and the appointment of committees of a general body to give special attention to matters of common concern is not only an expedient which would naturally suggest itself, and indeed force its way into practice, but it has been referred to as "one of the most ancient as well as one of the most striking and practical of the characteristics of English institutions," and it might be added of civilized human institutions; for while Toulmin Smith uses the language just quoted in connection with the English vestry,<sup>1</sup> Sir Henry Maine, speaking of those parts of India in which the village-community is most perfect, and in which there are the clearest signs of an original proprietary equality, says that authority is there lodged in the Village Council, which is always viewed as a representative body, and not as a body possessing inherent authority.<sup>2</sup> The Village Council of the East, bearing a name, whatever its real number, which recalled its "ancient constitution of Five persons," was analogous to the selectmen of the New England town; and both were ordinary and obvious organizations which naturally evolved themselves out of the business needs of any community those composing which undertook to manage their own affairs.<sup>3</sup>

<sup>1</sup> The Parish, p. 227.

<sup>2</sup> Village Communities, Lecture IV.

<sup>3</sup> The late Richard Frothingham is authority for the statement (Proceedings of the American Antiquarian Society, October, 1870, p. 33) that the following from the Charlestown records is the earliest entry ever made in any Massachusetts town-book indicating the formation of a board of selectmen:—

"An order made by the inhabitants of Charlestowne at a full meeting for the government of the Town by Selectmen.

"In consideration of the great trouble and chearg of the inhabitants of Charlestowne by reason of the frequent meeting of the townsmen in generall and that by reason of many men meeting things were not so easily brought into a joynt issue. It is therefore agreed

In the case of Dorchester the simple form of government provided through the vote of Oct. 8, 1633, seems to have sufficed until October, 1636, at which time took place the well-known secession and departure to Connecticut of a portion, if not a majority, of the Dorchester church.<sup>1</sup>

by the sayde townesmen joyntly that these eleven men whose names are written on the other syde, (with the advice of Pastor and Teacher desired in any case of conscience,) shall entreat of all such business as shall concerne the Townsmen, the choice of officers excepted, and what they or the greater part of them shall conclude of the rest of the towne willingly to submit unto as their owne propper act, and these 11 to continue in this employment for one yeare next ensuing the date hereof being dated thus: 10th of February, 1634 (1635)."

<sup>1</sup> It has always been a question whether the church, as an organization, then moved to Windsor, and has since been established there, or whether the movement was of a portion of the church members acting individually. The subject is very fully discussed in the preliminary matter to the published volume of Dorchester Church Records. Meanwhile certain investigators belonging to what, for the lack of a better descriptive term, must be called the Connecticut historical school, have of late thought they detected deep political significance in this schism, — a popular dissatisfaction at the union of church-membership with political rights, — and a protest against undue magisterial authority. (Johnston's Connecticut, pp. 18, 21, 59, 61, 75; Walker's Thomas Hooker, pp. 88, 119, 120; Twichell's John Winthrop, pp. 114, 144; Andrews's The River Towns of Connecticut, Johns Hopkins University Studies, vol. vii. pp. 27, 28.) This theory, which seems to rest mainly on an unsupported statement of Hubbard, has been made the basis of as large an historical structure certainly as it can well bear. Unquestionably, at a later day Hooker was a pronounced advocate of a democratic form of government, while Winthrop felt no faith in it; yet there is nothing on the face of the records up to the time of the Connecticut schism of 1636 to warrant a belief that the movement out of Massachusetts was anything more than the natural swarming of a portion of the settlers from the original hive to a region which seemed, and actually was, more inviting. Under then existing circumstances their going was naturally objected to by the rest of the colony.

De Tocqueville says that in New England "the impulsion of political activity was given in the townships; and it may almost be said that each of them originally formed an independent nation. . . . It is important to remember that they have not been invested with privileges, but that they have, on the contrary, forfeited a portion of their independence to the State." (Democracy in America, ed. 1889, vol. i. p. 61; but see the criticisms of Mr. Goodell in 2 Proceedings, vol. v. p. 332.) So far as the Massachusetts system of towns is concerned, this proposition does not accord with well-established historical facts; and if the view taken in this paper of the connection between the charter of the Massachusetts Bay Colony and the Massachusetts towns is correct, it explains in a perfectly natural way the fact, so enlarged upon by Professor Johnston, that, while the towns in Massachusetts developed out of the colony, in Connecticut the process was reversed, and the colony resulted from a confederation of the towns, in the way stated by De Tocqueville. The charter of 1629 was the germ in both cases; but in Connecticut the transplanted growths naturally reproduced the necessary larger organization which in process of transplantation had been left behind. To the outside observer the whole proceeding seems simple, and the results produced identical as well as natural; but in regard to them and their historical significance equally careful investigators have reached diametrically opposite

After the departure of those who moved to Connecticut, the residue of the planters left in Dorchester, with such newcomers as settled there, reorganized the church and continued the former system of political government. A vote or order was passed continuing the monthly meetings of those "chosen for the ordering of the affairs of the plantation," and further providing that eight of their number should constitute a quorum with power to "act and order anything in the Plantation according to the scope of former orders to that effect."

A few months later (Jan. 16, 1636), the following additional order was passed :—

"It is ordered that ten men shall be chosen to order all the affairs of the plantation on this manner. They shall continue a monthly meeting during their time that they are chosen, which shall be six months after election. At which meetings they shall consult of and act what may be for the good of the Plantation, and after they have made such acts, and that by the major part of as many of them as are present which should be seven at least, they shall upon the next Lecture Day after Lecture read them to the Company of free men who are to be warned at present to stay. And then all acts and conclusions as shall not be contradicted by the major part of the free men present, shall stand for orders and bind the plantation and every inhabitant thereof."

This was followed on the 18th of October, 1642, by another order in these words :—

"June 3, 1642, there were chosen seven men whose names are here under written : to order the affairs of the plantation and to have power according to the former order as was given to the seven men then being :

"October 18, 1642. Whereas it hath been observed divers times, in our general town meeting, that some confusion and disorder hath happened in the agitation of our public matters and plantation affairs, by reason that men have used their liberty to propound their matters to the plantation without any fore knowledge of the seven men, and their matters have been so followed that divers things have been spoken of and few matters have been issued by reason that new matters have been upstarted while a former hath been in hearing and so much time spent and little work done, and moreover the spirits of some men troubled and offended by reason that their matters could not be heard, it is therefore

conclusions. See Johnston's *Connecticut*, pp. 61, 75, 135 ; Andrews's *The River Towns of Connecticut*, pp. 29, 122 ; also the criticism of Mr. Chamberlain in 2 *Proceedings*, vol. v. pp. 269-278.

ordered by the seven men that all matters and questions which any man hath to be agitated and petitions to be answered by the plantation shall first be brought to the seven men or to some two or more of them, and by them considered and orderly presented to the plantation who shall follow the business, together with the plantation, without any interruption, by any matters inserted, to the conclusion and determination thereof."

This arrangement seems to have been in force three years, at the end of which time the records for the 24th of December, 1645, and for the 27th of January following, contain the following remarkable entries, nearly the whole of which I have transcribed in full, as they practically amount to a written constitution, or framework of town government, and are accordingly one of the earliest efforts in that direction. As such they are interesting in themselves, besides indicating clearly the way in which the New England town-meeting was then developing upon original lines, following no precedents set in the old country.

"December 24, 1645. We the present inhabitants of Dorchester, being provoked and excited hereunto by the godly and religious request of some among us that have laid to heart the disorders that too often fall out among us and not the least nor seldome in our town meetings, and the slighting of the orders for the orderly carrying on of our prudential business and affairs in the town of Dorchester aforesaid as also being heartily sorry for and ashamed of the premises and desiring to manifest the same for the time to come and also according to the charge that lies upon us in many respects to provide for peace and the flourishing in our own times and in our children's, have thought good upon mature and deliberate consideration to compose these few lines Following as a platform or an abridgment of such orders which by the blessing of God both we and our select men from year to year will endeavor to walk in to the honour of God and Jesus Christ whose name we profess. Amen.

"First of all we do bind ourselves that upon the first second day of the tenth month yearly about 9 or 10 of the clock we will come together warning being given upon some lecture day (or other meeting before) which shall be the charge of the selectmen for the time being to see it done, for these uses following, viz: to elect seven or so many of our most grave moderate and prudent brethren as shall then be thought meet for the managing of the prudential affairs of the town for that year. 2. and also all other officers as may be useful for the carrying on of the town affairs, viz: Bailiff, supervisors, Raters, &c: and that

all our elections be by papers and nott propounded by their predecessors: 3. that day to be a day of liberty for orderly agitation for the Redressing of any grievance that may be discovered. 4. or for the adding or detracting to or from these Rules or anything concerning the whole Town Liberty and Power.

“Secondly, we do give [to the seven men] upon Confidence of their careful and prudential improvement Full power and liberty of ordering all our prudential affairs within the Town of Dorchester, with these limitations and cautions: First that they shall not meddle with the giving or disposing of any of the Town land without the consent and good will of the Town first obtained:

“2 neither shall they take upon them to alter any parcel of land from the present improvement without the consent of proprietors (or the proprietors shall do it themselves by the major vote being fairly proceeded in, in two or three peaceable agitations before the seven men.

“Nevertheless: we do give them all accustomed liberty concerning common Lands in Fence also our town lots that they shall have power to enjoin the several proprietors to make and Repair such Fence as is due unto them by proportion and upon default therein to charge such penalty upon them as they see meet. Item that they order the Ringing and yoking of Hogs: the keeping of our Cows in the pen stinting the Cow walk barring the woods in season and that they carefully provide for the safety of our Commons in the wood and Timber.

“Thirdly we do Require that the seven men shall faithfully and prudently oversee all the business of the Town or between party and party that are committed to them and carefully and peaceably issue them seasonably as also that they shall take care of all inferior officers that they discharge their places Faithfully and take accounts from them, and thereof to make faithful and punctual Record in their Town book; that so satisfaction may be given in any Doubt upon Demand as also that all Delinquencies and mistakes in Rates taxed upon the Town by the general Court or otherwise may be Discovered and Condignly dealt with; as also that the seven men for the time being do tenderly and prudently provide against all such abuses [which] hitherto have been grievous and justly offensive unto many.

. . . . .

“Fourthly we require that our seven men shall be careful to meet eight times in the year viz the second Monday of every month in the year except the second, fifth, sixth and eighth at some place which shall be certainly known unto all the Town and there to be Resident from nine o'clock in the fore noon unto three o'clock in the afternoon: that so all such as have any complaints or Requests to make or any information to give or anything whatsoever to do with them may Certainly find all or five of them at the least upon pain of 5s for the first default and

also [of] displacement if good account be not Rendered upon demand, and further that they readily receive all complaints, Requests or informations as shall be [presented] and speedily and seasonably apply themselves to their best prudence and ability to issue all such business in a fair peaceable and quiet manner, and thereof to make a fair and plain Record in the Town book that in case any prove Contentious and will not be satisfied there may be a Testimony for the Wronged party and we allow them 12d apiece for their dinners at the ordinary or elsewhere upon the Towne charge: also we do give them power to charge the Town with such sum or sums of money from time to time as they shall have need of for the prudent and orderly managing of such things as fall out in their times provided that one Rate be not above 20<sup>li</sup> and that they make faithful collection and also disbursement thereof to be Recorded before another Rate be made and we require that all their orders about Town business be reasonably drawn up in writing and published upon some meeting and also fixed upon some observable place that so the offenders may have no excuse or pretence.

. . . . .

“Sixthly for our seven mens encouragement we the freemen of Dorchester do agree that it shall not be Lawful for any of Dorchester whosoever to slight either the persons or orders of the seven men for the time being but that all their orders for prudential order shall stand Ratified from the liberty afore given and whosoever shall offend in the premises we will Require it of him as some beside such penalty as his offence shall deserve.

“Seventhly we the freemen of Dorchester do unto the premises assent and agree and heartily and Truly by the help of God will endeavor the inviolable observation of the same and for the confirmation of the premises according to our usual manner we have solemnly given our vote and also chosen and entreated our brother John Wiswall this 24th of the 10th month 1645 to Record the same to be a Rule for ourselves and successors except God shall put into our or their hearts some more profitable and prudent way and we do further profess that we intend no neglect or contempt of the general Court or the wholesome Laws from thence established.

. . . . .

“January 27th, 1645.

“An order for the ordering of our Town Meetings.

“Forasmuch as the intemperate Clashings in our Town meetings as also the unorderly departings of sundry before other brethren and Neighbors, and the undigested and impertinent motives by divers divulged have been not only grievous but Justly offensive unto divers as also great occasion of mispence of precious time and an hindrance that good orders and other business have not so succeeded as otherwise prob-

ably they might have done the premises being taken into Consideration it hath pleased the freemen and brethren of Dorchester to commend the Care of the Redress unto the seven men for the time being. These are therefore to declare unto all our loving Brethren and Neighbors of Dorchester that according to the care Commended unto us and by the authority conferred on us it is ordered first that Whensoever the seven men shall have occasion of the assemblage of the Town or free-men and thereof shall give due notice and Cognizance unto them. And we account this to be due notice viz : that if it be on a lecture day that so many as are present shall take it for notice or if it be by sending a special messenger from house to house that if notice be left at the house with wife or child above the age of twelve years the husband or father not being within or not at home if he come home before the day appointed and not repair to the seven men or some of them to give in his Excuse or appear upon the day of meeting so many as shall have such notice and Cognizance and attend not nor give in some valuable Excuse unto the seven men shall forfeit six pence for the first offence.

“Secondly when the Company is assembled as aforesaid it is ordered that all men shall attend unto what is propounded by the seven men and thereunto afford their best help as shall be required in due order avoiding all Janglings by two or three in several companies as also to speak unorderly or unseasonably which nevertheless is this to be construed that we intend not the least infringement of any brother or neighbor’s liberty or any way to suppress the abilities of any nor to quench the smoking flax but that all in due time and order may Communicate and contribute such help as they may have opportunity to do : but only that Confusion may be avoided and business more orderly dispatched, for the ends before mentioned we the seven men have appointed one of us to be our moderator to propound and also to order our meetings : And that all the assembly shall address and direct their speech unto him and shall be attentive unto the business of the assembly.

“Thirdly that no motions be divulged or propounded but such as the seven men shall have seasonable knowledge of and they to propound the same which is thus to be understood that in case the seven men shall refuse to propound any man’s motion the party shall after some Competent times of patience and forbearance have liberty to propound his own cause for hearing at some meeting provided all disturbance and confusion be avoided.

“Fourthly that no man shall depart the assembly without giving due notice unto the moderator and declaring such occasion as shall be approved by the seven men upon pain of twelve pence for the first offence.”

In the case of Dorchester it is unnecessary to follow the inquiry further. The genesis of the town-meeting there can be

traced in the foregoing extracts from the town records, and is found to spring from the charter of the colony, and to follow in all respects its analogies. As a form of government it was developed step by step to meet the secular needs of the community as they made themselves felt. The plantation or town was a commercial company, the partners in which by degrees were developed into a political community.

The Dedham records, though less specific in detail than those of Dorchester, are equally complete and to the point.<sup>1</sup> The General Court made an order, on Sept. 3, 1635, "that there shall be a plantation settled, aboute two myles above the falls of Charles Ryver"; and on the 8th of September, 1636, it was "Ordered, that the plantation to bee settled above the falls of Charles Ryver . . . is to bee Deddam, to enjoy all that land on the southerly and easterly side of Charles Ryver not formerly graunted to any towne, or particular persons, and also to have five miles square on the other side of the ryver." The petition in compliance with which this order was made bore the signatures of twenty-two persons, who were termed proprietors; and these proprietors, before their petition was acted upon by the General Court, entered into an elaborate civil covenant. No church had then been gathered, and the association was in its nature purely commercial. The records are complete. At the first meeting of the proprietors, — the General Court of the town, — eighteen persons were present, all of whose names were recorded; and thereafter regular weekly meetings were held, of which a full and careful record was kept. From time to time the original proprietors admitted additional proprietors on prescribed conditions, until, on the 20th of February, 1637, forty-three persons were present at a meeting. Not until the 8th of November, 1638, more than two years after the civil incorporation, was a church gathered. The regular weekly meetings of proprietors continued to be held until the 17th of May, 1639, when a vote was passed in which it was recited among other things that, whereas it had been found that the proprietors, in holding these meetings, "have wasted much time to noe small damage and business thereby nothing furthered," it was

<sup>1</sup> The Dedham town records have not been printed. The records of the original church were printed under a vote of the town in 1888, being edited by Don Gleason Hill.



determined to make choice of seven men to manage the affairs of the plantation. Thereafter the meetings of the proprietors were strictly like the original meetings of the General Court of the colony, or like the meetings of the stockholders of an ordinary corporation of later times. The main business of the meeting was the election of a smaller board to have charge of town affairs, and to those composing that board the proprietors delegated full powers. Not until the second day of January, 1643, or four years afterwards, did the general meeting of proprietors transact any business other than the election of the persons to take charge of town affairs, who might properly be considered the executive committee of the proprietors. After January, 1643, the annual sessions of the proprietors became practically town-meetings in the proper and subsequent acceptance of the term.

It would thus appear that in Dedham the civil organization distinctly preceded the church organization, and was never subordinated to it, or in secular matters in any perceptible degree influenced by it. The line of development of the plantation or town was that marked out in the original charter of the colony. The proprietors were the General Court. The seven men chosen annually to have charge of town affairs constituted a board with functions similar to those of the early boards of magistrates of the colony, and, subsequently, with functions equivalent to those of both magistrates and deputies; but, in the case of Dedham, as the constituency was not too large to meet in one body, exactly that course was pursued which it was originally designed in the charter should be pursued in the case of the colony itself, but which the increase in the numbers of the freemen, and their scattered residence, made impossible, — that is the whole body of proprietors or inhabitants met periodically in an assembly, or general court, to dispose of the business of the corporation which was of common concernment. Under these circumstances, by a natural process for which no abstruse reasons need be sought, the legislative functions by degrees reverted to the body of the proprietors, or inhabitants, in their general meetings assembled, while the executive functions were concentrated in the hands of a committee, known as the board of selectmen. The evolution of the Dedham town-meeting, therefore, took place out of the peculiar conditions of the settlement, all the

action taken being in accordance with and subordination to the precedents established in the case of the colonial charter, — it was the general stockholders' meeting of a commercial association.

At the September session of the General Court of 1635 the following order was passed: "The name of Barecove is changed, and hereafter to be called Hingham." The Hingham church was gathered on the 18th of the same month.<sup>1</sup>

Certain leaves at the beginning of the town records are lost, and the first volume is to a large extent filled with miscellaneous matters of record, relating to allotments, transfers of real estate, etc., — it is in fact the book of registry of a body of proprietors referred to in it as "Freemen," "Townsmen," and "Inhabitants." The earliest entries are of the 18th of September, 1635, and relate to allotments,<sup>2</sup> varying from one to thirty acres in extent, made by "joynt consent of the freemen," or "by a joynt consent and general vote of the Freemen." The scope and meaning of the term "freemen" in this case is to a degree explained in the following vote or order, also of 18th September, 1635: —

"It is agreed upon that everie man that is admyted to be Townes man, and have lots graunted them shall beare charges both to Church and Commonwealth proportionate to their abilities, and in case that they sell their lots, they shall first tender them to the Towne, and in case that the Towne shall refuse to give what it shall be worth, or find a Chapman to bye it, then it shall be lawful for them to sell it always provided it be a honest man that shall be plassed into the sayd Lot or Lots."

At first all action was taken at meetings of the freemen, or proprietors, which meetings were held on notice, or "lawful warning"; and the penalty for non-attendance, or "for the not staying with the assembly, being there assembled," was "one

<sup>1</sup> The Hingham town records have been copied, but never printed; those of the earlier church were retained in the family of the first pastor, Peter Hobart, and never went into the possession of the parish. Subsequently they came into the hands of Hon. Solomon Lincoln, whose descendants gave access to them for the preparation of this paper.

<sup>2</sup> On the fly-leaf of the original church records is the following entry: "September 18th, 1735. We find upon the Town Records that this Day 100 years agoe the Town of Hingham was settled, their House Lotts drawn and that the Rev'd Mr. Peter Hobart was here and drew a Lott with the 29."

peck of Indian corne." This, the General Court form of government, seems to have sufficed and been continued until 1637, and the orders and regulations made were termed "Court orders." On the 23d of March, 1637, the following vote was passed by the assembly of freemen:—

"These nine men hereafter mentioned, being Freemen of the Town be chosen and deputed by the whole body of Freemen to agitate and determyne concerning any general business within the Town, except it be the making of any rate, unless they be newly chosen in a legal way, or receiving in of any person to be an inhabitant into the Town."

Votes of a similar character were passed subsequently, that of Jan. 8, 1648, further restricting the power of those thus chosen by adding the clause, "but these men are prohibited giving lands, making of rates, and stinting the commons."

In December, 1648, the term "general Town meeting" is used, and in January following the regular record of such meetings begins, and the term "selectmen" first appears. Jan. 1, 1652, "It is ordered . . . that the selectmen and Constables shall be chosen from year to year by papers." In the case of Hingham, also, the gradual development of the town-meeting, and town-meeting government through a board of selectmen, out of a body of proprietors, in strict accordance with the precedents established under the charter of the colony, is apparent and obvious. The court of proprietors was the body of stockholders in the enterprise or company; the selectmen were the board of directors, or executive committee. The church, and the church officials and members, as such, exercised no control over corporate business. Mr. Hobart's record contains no references to prudential affairs.

Weymouth ranks next to Plymouth in the order of settlement of Massachusetts towns. Originally Wessaguscus or Wessagusset, it was made a town at the same time as Hingham (Sept. 3, 1635), when the General Court ordered that "the name of Wessaguscus is also changed, and hereafter to be called Weymouthe."<sup>1</sup>

The incorporation of Weymouth as a town was peculiar in that the previous settlement of Wessagusset, dating from Sep-

<sup>1</sup> The Weymouth town records have been copied, but never printed. The earlier church records have been lost. Nash's Sketch of Weymouth, p. 8.

tember, 1623,<sup>1</sup> was composed of what were known as "Old Planters,"<sup>2</sup> who, coming to New England with Capt. Robert Gorges, had established themselves without any color of legal right within the limits afterwards assigned in the charter of 1629 to the colony of Massachusetts Bay. They were therefore interlopers, possessed merely of what has since been vulgarly known as "squatter rights." The case of the Wessagusset settlers was unquestionably covered by the instructions to Endicott of April 17, 1629, guaranteeing "the old planters" incorporation into the colony, and full enjoyment of the land they had in occupancy.<sup>3</sup> On the 8th of July, 1635, by the General Court, "there is leave graunted to 21 familiees to sitt down at Wessaguscus &c"; this was two months before the incorporation of the town. In 1635-36 bounds were established, and in 1636 the first allotment of lands of which there is any record remaining was made at a meeting of the freemen.<sup>4</sup> Presumably the rights of the original settlers to the land held by them in occupancy were then recognized, as John Bursley, one of the original Gorges settlers, was a deputy from the town in the General Court of 1636.

The formal record of Weymouth does not begin until "December, 1641, although there are a very few items, evidently of an earlier date, which are undoubtedly transcribed from other sources by a later hand, and a mass of property records which are undated, but which, from external and internal evidence, should appear a year or two later."

Unlike Dedham, therefore, Weymouth was not settled as a plantation by a definite body of proprietors, nor did the town organize itself as a business company. On the matter of organization the Weymouth records of the earlier years are vague. In 1643 reference is made in them to "the townsmen," six in all and evidently the men chosen, as in Hingham, to order the town's affairs; and during the same year certain regulations relating to the "right of common" and "common pasture" were made "by the generall consent of the Towne."

The only light thrown on the Weymouth method of procedure during the first eleven years of corporate life is

<sup>1</sup> Supra, p. 25.

<sup>2</sup> Proceedings, vol. xvi. pp. 194-206; Memorial History of Boston, vol. i. chap. 3; Young's Chronicles of Massachusetts Bay, pp. 144-149.

<sup>3</sup> Young's Chronicles of Massachusetts Bay, p. 145.

<sup>4</sup> Nash's Sketch of Weymouth, pp. 26, 280.

contained in the following vote prepared by the townsmen, or selectmen, under date of April 6, 1646, and subsequently approved, and ordered to "stand good" by "the whole Towne":—

"Whereas we find by sad experience the great inconvenience that many times it comes to pass by the permitting of strangers to come into the plantation pretending only to sojourn for a season, but afterwards they have continued awhile account themselves inhabitants with us, and so challenge to themselves all such priveledges and immunitys as others doe enjoy who notwithstanding are of little use to advance the public good, but rather, many times are troublesome and prove a burden to the plantation, the premises considered, together with the straightness of the place, the number of the people, and the smallness of the trade we yet have amongst us, we the townsmen whose names are subscribed, for the prevention of this and the like inconveniencies, have thought good to present to consideration the insuing order to be voted by the whole Towne to stand in force as long as they in wisdom shall see just cause.

"First that no inhabitant within this plantation shall presume to take into his house as an inmate, or servant, any person or persons, unless he shall give sufficient bonds, to defray the plantation of what damage may ensue thereuppon, or be as covenant servant, and that for one year at the least without leave first had or obtayned from the whole Towne at some of their public meetings, under the penalty of 5 shillings a week as long as hee shall continue in the breach of this order, to be levied by the constable or other officer, and delivered to the townsmen for the time beeing, to be improved for the use and benefit of the towne. Also it is further agreed upon by and with the consent of the whole town, that no person or persons within this plantation shall lett or sell any house, or land, to any person or persons that is not an inhabitant amongst us, untill he hath first made a tender of it to the Towne, at a trayning or some lecture day or other public meeting."

It will be observed that the town is here spoken of as "the plantation," and jealous reference is made to the "priveledges and immunitys" of the "inhabitants," who were in the custom of transacting business of general concernment "at a trayning or some lecture day or other public meeting."

On the 26th of November, 1651, at "a meeting of the Towne," eight "Townsmen" were chosen, and "invested with power for the carrying on of the Towns affayers for the ensuing year"; and at the same time the following votes defining the powers and duties of the "selectmen" were passed

and afterwards continued in force by reference for over thirty years: —

“The power that the Towne of Waymouth committeth into the hands of the Selectmen for this present year insuing 1651. First — Wee give them power to make such orders as may be for the preservation of our intrests in lands, and corne, and Grane, and Wood, and Timber, that none may be transported out of the Towns Commons.

Secondly — They shall have power to see that all orders made by the General Court shalbe observed, and also all such orders that are or shalbe made which the Towne shall not repeale at their meetinge in the first month.

Thirdly — It shalbe lawfull for them to take course that dry cattle be hearded in the woods except calves and Yearlings and that they provide Bulls both for the Cowes and dry Cattle.

Fourthly — They may issue out all such Rates as the Towns occasions shall require and see that they be gathered, that a due account may be given of them.

Fifthly — They may satisfy all graunts provided they satisfy them in due order, and not within two miles of the Meeting-house.

Sixthly — Wee willingly grant they shall have their Dynners uppon the Towns charge when they meete about the Towns affayres.

Voted by the whole Towne 26th of 9th mo'th [November] 1651.”

One other entry only from the Weymouth records seems to have any bearing on the matter now under consideration; but this entry brings out clearly the distinction observed between the church and town organizations, — the selectmen and the deacons.

“The 24th of the 10th mo'th [Dec.] 1657.

“At a meeting of the 20 men who were desired and impowered by the Towne to take care about Mr. Thacher's mayntenance that it may be payde both in time and kind according to our engagement, it was ordered by them that Mr. Thacher's Rates should be made by the Selectmen from time to time by the first of the first month and the first of the second month yearly and that the sayd Selectmen shall see that it be paid in either to Mr. Thacher or the Deacons by the 12th of the 2d month and the 12th of the 8th month and in case any shall neglect or refuse to doe his duty herein to put forth their power to recover the same according to laws here established.”

Newtowne was ordered to be called Cambridge on the 2d of May, 1638, but there is no record of the first official recognition of Newe Towne as a distinct municipality. It was

selected as "a fit place for a fortified town" in December, 1630.

The Cambridge records<sup>1</sup> begin with an entry in relation to the enclosure, or paling, of certain lands, under date of March 29, 1632. Those concerned in the original settlement are not described as "planters" nor the town as a "plantation," but as "the inhabitants of the New Town"; and among the inhabitants were included all who owned "house and land in the town." In 1664 a memorial was addressed to the General Court signed by nearly all "the inhabitants and householders of the towne" to which the names of a number of others were appended "being of the traine band and singell men in the above sayd town."

The space included within the original paling was divided among forty-two persons, and it was further agreed "that if any man shall desire to sell his part of impaled ground, he shall first tender the sale thereof to the town inhabitants interested, who shall either give him the charge he hath been at, or else to have liberty to sell it to whom he can." The house lots were laid out compactly, and land for cultivation was assigned within the pale and afterwards elsewhere; the grazing lands were not divided, but the herds of cattle were daily driven out to range the common lands, and the "cow-common" remained undivided until a comparatively late period.

The affairs and business of the town were at first managed through regular monthly meetings of the inhabitants held "every first Monday in every month, within the meeting house, in the afternoon, within half an hour after the ringing of the bell"; but in January, 1635, power was delegated to a few individuals, at first styled "Townsmen," to transact "the whole business of the town," and on the 3d of the next month the number of townsmen was definitely fixed at seven.

The following regulation made the year ensuing (1635) is significant:—

"Dec. 5, 1636. Ordered, That no man inhabiting or not inhabiting within the bounds of the town shall let or sell any house or land unto any, without the consent of the Townsmen then in place, unless it be

<sup>1</sup> The records neither of the town nor of the original church of Cambridge have ever been printed.

to a member of the congregation; and lest any one shall sustain loss thereby, they shall come and proffer the same unto them, upon a day of the monthly meeting, and at such a rate as he shall not sell or let for a lesser price unto any than he offereth unto them, and to leave the same in their hands, in liking, until the next meeting day in the next month, when, if they shall not take it, paying the price within some convenient time, or provide him a chapman, he shall then be free to sell or let the same unto any other, provided the Townsmen think them fit to be received in.

"Ordered, That whosoever entertains any stranger into the town, if the congregation desire it, he shall set the town free of them again within one month after warning given them, or else he shall pay 19s. 8d. unto the townsmen as a fine for his default, and as much for every month they shall there remain."

It was ordered by the Court of Assistants on the 7th of September, 1630, "that Trimountaine shalbe called Boston"; but the Boston town records do not begin until four years later, the first entry in them being of Sept. 1, 1634. Owing probably to the circumstances under which it was settled and the large number of original inhabitants, Boston seems from the first to have developed on political rather than on corporate or commercial lines. The descriptive words "plantation" and "planters" are not used in its records; but in place of them the words used are "the towne" and "the inhabitants of the towne." In the form of government the analogy of the charter seems to have been followed, — a board of ten men, to whom was entrusted the whole management of town affairs, being chosen "at a general meeting upon public notice." The general meetings were composed of those to whom allotments were originally or afterwards made, and such as were formally admitted to be inhabitants; for as early as Nov. 30, 1635, it was agreed at a general meeting "that no further allotments shalbe graunted unto any new comers, but such as may be likely to be received members of the congregation," and "that none shall sell their houses or allotments to any new comers, but with the consent and allowance of those that are appointed Allotters." This vote was in the nature of instructions binding on "the 10 to manage the affaires of the towne," who again in 1640 declared it "not proper to allowe a man an Inhabitant Without habitation" (p. 51), meaning thereby "an house, or land to sett an house upon." In 1646



it was further voted "at a Generall townes meeting upon lawfull warninge of all the freemen" that "all the Inhabitants shall have equall Right of Commonage in the towne; those who are admitted by the townsmen to be inhabitants"; those admitted to be inhabitants after the passing of this vote were to have no rights of commonage except by hire, and those entitled to commonage were forbidden to sell their rights. Through these and the subsequent years new-comers were continually admitted by the townsmen, or selectmen, to be inhabitants or, later on, townsmen; but frequent orders were passed forbidding those inhabiting the town from entertaining strangers "from any other towne or Countrey as a sojourner or inmate with an intent to reside here," and these orders were more or less enforced.

The general town-meetings of the freemen or of "all the Inhabitants" were held on public notice or warning from house to house; and until the year 1649 these meetings confined themselves as a rule to the election of an executive committee first referred to as "select Townsmen," in July, 1643, and as "the selectmen" in the following August; and this committee or board had conferred upon it full power in all town business "excepting matters of Election for the Generall Corte." In 1649 the town-meetings assumed legislative functions, and two years later, on the 14th of January, 1653, the records of Boston town-meetings in the eighteenth-century meaning of the term definitely began.

In the case of Boston, therefore, doubtless under the guidance of Winthrop, the town government was developed, or more correctly, — as was Winthrop's well-known wont,<sup>1</sup> — developed itself under the influence of circumstances, in exact accordance with the government of the colony. The town-meeting was the general court of the inhabitants of the town, who here as in the other towns and plantations were analogous to the stockholders of a corporation, and as such exercised a jealous supervision over intruders and those seeking to participate in the

<sup>1</sup> "Such laws would be fittest for us which would arise *pro re nata* upon occasions, &c." To enact a code of laws "would professedly transgress the limits of our charter, . . . but to raise up laws by practice and custom had been no transgression." The gradual process through which Massachusetts' political institutions, including town government, developed from the charter germs amid surrounding conditions, is perfectly described in the foregoing language from Winthrop's History (vol. ii. p. 323).

common rights. This general court, or meeting, chose a committee to attend to the business affairs of the town, who in time became its executive officers or magistrates, under the title of selectmen.

None the less it is obvious that in the case of Boston, owing to the large number of those from the beginning inhabiting there, the analogy of the charter was followed so closely that the original body, delegated "to manage the affaires of the towne," was clearly designed to hold a position corresponding to the charter court of assistants, being in size one half of that body. It was in fact intended to be a city council; but, most fortunately, the course of events and the natural development of other towns forced Boston into line, and the town-meeting and board of selectmen were in due time evolved there as well as elsewhere. Representative city government, as a political experiment in Massachusetts, was thus deferred for one hundred and seventy years.

The following conclusions may safely be drawn from the original records above referred to:—

1st. The Massachusetts town government was of purely secular origin, and had no connection with the church organization, except that certain members of the church were freemen and inhabitants of the town, and the town was under legal obligations to maintain the church.

2d. The basis of the town organization was the joint interest of individuals, commonly termed freemen or inhabitants, but sometimes planters, in a tract of land referred to indifferently as a town and as a plantation; and these inhabitants were in the nature of stockholders in a modern corporation. As such they exercised a jealous oversight over the admission into the enterprise of new inhabitants, proprietors or stockholders.

3d. In the original establishment of the town governments and their progressive development to meet the increasing requirements of a growing community the analogy of the charter was closely followed. The body of freemen or inhabitants constituted the General Court of the town, subsequently called the general town-meeting; and the townsmen, later on the selectmen, were the board of assistants, or, as they would now be called, directors.

4th. As development went on and increased differentiation took place, the original legal lines were strictly followed. The

secular and the religious organizations separated more and more as new functions were from time to time imposed on the former; while the latter had already, at the very beginning, attained complete development.

In other words, so far as government was concerned, the first immigrants brought over with them, together with their language and their political and social habits and traditions, the church and the charter of 1629. In the church the religious organization and spiritual government can be studied; but to understand the political and legal development it is necessary to consult the charter. Time spent in going behind that and delving into parallel or analogous usages and forms, whether contemporaneous or primitive, cannot be said to be wasted, for all faithful study of that character is of value; but the results reached by means of it will incur great danger of proving fallacious unless the investigation is carried on with the charter and its provisions constantly in mind.<sup>1</sup>

What then was King Charles's charter of 1629? Treated and developed almost from the first by those to whom it was granted as a frame of political government, it has left its impress deep on Massachusetts and American polity; but, in point of fact and legal acceptance, it merely brought into being an English commercial organization,—in other and modern words, it was a seventeenth-century act of incorporation, and, as such, in no respect peculiar. It was an incorporation of a similar character to that of the East India Company which preceded it in 1600, and to those of the Hudson Bay and Bank of England companies which followed it in 1670 and 1694. It was a trading company in which provision was made for the establishment and, incidentally, for the government, of a plantation in an uninhabited land; and this trading enterprise, involving a real estate speculation, resulted in a Commonwealth.<sup>2</sup> Twenty-six original corporators were

<sup>1</sup> On this point see the language, similar to that in the text, of Mr. Goodell in 2 Proceedings, vol. v. p. 323.

<sup>2</sup> The best and, upon the whole, the most comprehensive statement of what the founders of Massachusetts originally proposed and what subsequently, as occasion developed, they actually did, is, perhaps, that contained in Lowell's paper entitled "New England Two Centuries ago." (Among my Books, pp. 228–290.) In this paper he says, speaking of Winthrop and the charter associates: "And they were business men, men of facts and figures no less than of religious earnestness. The sum of two hundred thousand pounds had been invested in their undertaking, —a sum for that time truly enormous, as the result of private combination for

specified by name, and they were empowered to elect or admit others without limit into their number as freemen, or, in modern language, stockholders in the company; and careful provision, as was customary in such cases, was made for the management of the company's affairs through the election of a governor, as the chief executive of the seventeenth-century commercial company was designated, and a board of assistants, as the directors were called, by the body of the freemen of the corporation assembled at stated times in stockholders' meeting, termed their "Great and General Court." As respects power to make laws, ordinances, etc., for the government of the proposed plantation, the provisions of the charter were those usually allowed to corporations in England.<sup>1</sup>

a doubtful experiment. That their enterprise might succeed, they must show a balance on the right side of the counting-house ledger." Then, referring to the unanticipated outcome of this commercial undertaking in the founding of a democratic political community, he adds: "Sober, earnest, and thoughtful men, it was no Utopia, no New Atlantis, no realization of a splendid dream, which they had at heart, but the establishment of the divine principle of Authority on the common interest and common consent; the making, by a contribution from the free-will of all, a power which should curb and guide the free-will of each for the general good."

<sup>1</sup> The similarity of this to other business charters granted by the English crown in the seventeenth century is seen in the terms and phrases common to them all; and the precise language used by Mill (History of British India, vol. i. p. 24) in speaking of the first charter of the East India Company, which passed the seals Dec. 31, 1600, might be used *mutatis mutandis* of the Massachusetts Bay charter: "This charter — the origin of a power so anomalous and important as that which was afterwards accumulated in the hands of the East India Company — contained nothing which remarkably distinguished it from the other charters of incorporation, so commonly in that age bestowed upon trading associations. It constituted the adventurers a body politic and corporate by the name of 'the Governor and Company of Merchants of London, trading to the East Indies,' and vested them with the usual privileges and powers."

In the case of the Bank of England (1694) "the management and government of the corporation [is] committed to the governor and twenty-four directors . . . thirteen or more of the said governors and directors (of which the governor or deputy-governor must be always one) shall constitute a court of directors, for the management of the affairs of the company . . . four general courts shall be held in every year. . . . The majority of electors in general courts have the power to make and constitute by-laws and ordinances for the government of the corporation, provided that such by-laws and ordinances be not repugnant to the laws of the Kingdom."

So also in the charter of the Hudson's Bay Company, granted in 1670, Prince Rupert and some seventeen others were created a body corporate under the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay." Those thus named were empowered to elect seven of their number to be "called the Committee of the said Company." The governor and

This act of commercial incorporation was almost immediately converted into something very like a civil constitution; and under its provisions, always most liberally construed and not infrequently ignored, colonial Massachusetts developed. But the one point to be emphasized here is the machinery of government provided in the charter, and through it established in Massachusetts. That machinery was in its character neither religious nor political, — it did not originate in either the church or the congregation on the one side, or the feudal system of state on the other; it brought with it the traditions and usages of neither. The corporation was purely a commercial partnership, and its business organization was in strict accordance with its objects; that organization consisted of a body of stockholders, called freemen, who met periodically in stockholders' meeting, or general court, and elected a governor and a board of directors, designated as assistants. Nothing could be more simple or more familiar. There seems no room for historical disquisition.

The charter was then brought to America; but even before it reached America there is reason to suppose that a general assembly of planters or proprietors summoned by formal notice — the first Massachusetts town-meeting — had been held at Salem, and held also under the provisions of the charter. There is no regular record of this meeting; but in his "New English Canaan" Thomas Morton says: —

"This man [Governor Endicott] thinking none so worthy as himselfe, took upon him infinitely: and made warrants in his owne name, (without relation to his Majesties authority in that place,) and summoned a generall apparance at the worshipful town of Salem: there in company "at any public assembly, commonly called the Court General," might elect a deputy, etc., make laws, ordinances, etc., for the good government of their territory; impose penalties and punishments, provided the same were reasonable, and not repugnant to the laws of England. Finally, "at any court held for the said company, the Governor or his Deputy being one," any such persons as were deemed fit could be admitted into the company. The provisions of this charter are almost identical with those of the Massachusetts Bay charter granted forty-one years earlier.

So long as the chief executive of Massachusetts bears the title of "Governor" and the legislature is known as the "General Court," the origin of the state in the English commercial company of the seventeenth century is stamped upon it, and calls for no discussion. The subject is fully treated by Charles Deane in a paper in the Proceedings of the Massachusetts Historical Society, 1869-1870, pp. 165-196, and by Mr. Brooks Adams in his "Emancipation of Massachusetts," pp. 9-22.

open assembly was tendered certain Articles, devised between him and their new Pastor Master Eager, (that had renounced his old calling to the Ministry received in England, by warrant of Gods word, and taken a new one there, by their fantastick way imposed, and conferred upon him with some speciall gifts had out of Phaos boxe.)

"To these Articles every Planter, old and new, must signe, or be expelled from any manner of aboade within the Compas of the Land contained within that graunt then shewed: which was so large it would suffice for Elbow roome for more then were in all the Land by 700000, such an army might have planted them a Colony with [in] that circuit which hee challenged, and not contend for roome for their Cattell. But for all that, hee that should refuse to subscribe, must pack.

"The tenor of the Articles were these: That in all causes, as well Ecclesiastical as Politicall, wee should follow the rule of Gods word.

"This made a shew of a good intent, and all the assembly, (onely mine Host replied,) did subscribe: hee would not, unlesse they would ad this Caution: So as nothing be done contrary or repugnant to the Lawes of the Kingdome of England. These words hee knew, by former experience, were necessary, and without these the same would prove a very mousetrapp to catch some body by his owne consent, (which the rest nothing suspected,) for the construction of the words would be made by them of the Separation to serve their owne turnes: and if any man should, in such a case, be accused of a crime, (though in it selfe it were petty,) they might set it on the tenter hookes of their imaginaty gifts, and stretch it to make it seeme cappitall; which was the reason why mine Host refused to subscribe.

"It was then agreed upon that there should be one generall trade used within that Patent, (as hee said,) and a generall stock: and every man to put in a parte: and every man, for his person, to have shares alike: and for their stock, according to the ratable proportion was put in: and this to continue for 12. moneths, and them to call an accompt."<sup>1</sup>

The old planters referred to in the above extract were the original settlers, supposed to be some thirty or forty in number, scattered along the shore of Massachusetts Bay from Cape Ann to Nantasket; and in dealing with these men, who looked upon the Massachusetts Bay Company with great jealousy, and were disposed to feel aggrieved at its action, the commercial side of the enterprise came to the front.<sup>2</sup> So, also, at the first Great and General Court, held in England on the 13th of May, 1629, and at all the meetings of assistants, the order of

<sup>1</sup> New English Canaan, book iii. chap. xxi.

<sup>2</sup> Craddock to Endicott: Young's Chronicles of Massachusetts Bay, pp. 146, 148-150.

proceedings and the measures taken were purely those of the stockholders and board of directors of a commercial enterprise. The officers of the company were elected, and provision made for the "allotment of land to these persons as are adventurers in the common stock"; regulations of trade were devised, and prospective profits divided among those concerned,—adventurers or stockholders, and planters.

Thus, throughout, the company was commercial, and its machinery of government was that of an ordinary business corporation. It is unnecessary to recapitulate further the accepted and familiar facts of Massachusetts history;<sup>1</sup> but, coming now to the organization of the Massachusetts towns and the gradual development of town-government, it is clear, from the original records cited in this paper, that when the process of growth and differentiation began the usual natural law asserted itself, and the progeny followed the species of the parent.<sup>2</sup> The colony was in its charter termed a "plantation"; and now the towns were subordinate plantations, and so called.<sup>3</sup> Those who settled in the localities created into towns or townships were the planters, the proprietors, and the inhabitants. In other words, they were the beneficiaries or stockholders in an incorporated business enterprise; and they acted always in strict accordance with this legal position.

<sup>1</sup> The successive legislative steps through which the town system was developed in both the Plymouth and the Massachusetts Bay colonies are set forth in detail in Professor's Parker's paper entitled "The Origin, Organization, and Influence of the Towns of New England," in the Proceedings of the Massachusetts Historical Society for January, 1866. In this paper Professor Parker touches only incidentally (pp. 19-20) on the genetic sources of the town organization, reaching the conclusion that "a careful examination . . . will show that [the towns] were not founded or modelled on precedent."

<sup>2</sup> "The town was not the primordial cell which developed into a State, but the State was the mother of her towns. Development is along the lines of original constitutions, and seldom or never passes over into a different genus." (Mellen Chamberlain in 2 Proceedings, vol. v. p. 276.)

<sup>3</sup> Referring to the earliest years of the settlement, Chief Justice Shaw says (Comm. v. Roxbury, 9 Gray, 485): "The terms 'plantation,' 'town,' and 'township' seem to be used almost indiscriminately to indicate a cluster or body of persons inhabiting near each other; and when they became designated by name, certain powers were conferred upon them by general order and laws, such as to manage their own prudential concerns, to elect deputies and the like, which in effect made them municipal corporations; and no formal acts of incorporation were granted until long afterwards,"—not until 1785 (Ibid. 511). On this subject see also Professor Parker's paper in the Proceedings for January, 1866, pp. 17, 18.

The course pursued appears in every record; and, in essentials, it is always the same. There is a recognized body of settlers, and to the individuals composing that body allotments are made; those receiving the allotments are the inhabitants, and either the inhabitants or the freemen, as a body, made up the court, or town-meeting; and the court, or town-meeting, either governed itself, as in the case of Dorchester, Dedham, and Cambridge during the earliest period, or delegated its powers to a board of assistants, or townsmen, as in the case of Boston. Invariably the inhabitants, or stockholders, evinced the utmost jealousy as to the admission of new inhabitants to share their corporate privileges, placing rigid restrictions upon it.<sup>1</sup>

As the process of development went on, new political functions were imposed on the towns, just as from the beginning they had forced themselves on the organization of the original colony.<sup>2</sup> As those functions were imposed, corresponding offi-

<sup>1</sup> The regulations and orders restricting the coming in of new inhabitants, found in the early records of almost all the Massachusetts towns during the colonial period (1630-91), open a wide field of historical investigation. While in this particular case they can be referred to the corporate, or stockholder, interest at the basis of the organization, restrictions of a similar character can be traced through the earlier English history; and Bishop Stubbs says (*History of England*, chap. iii. § 24), speaking of the assembly under the Germanic mark system, "without its consent no man may settle in the territory, build himself a house, or purchase the share of another"; and under the provisions of the Salian law, "no settler is allowed to take up his dwelling in the vill, without the express permission of the community" (*Ibid.* § 25).

The desire for the exclusive possession of good things is not peculiar to man; and the origin of these restrictions would probably have to be looked for, not in the records of early human institutions, but in the animal instincts. In this connection Herbert Spencer says (*Principles of Sociology*, § 292): "It is true that the idea of tribal ownership of territory may be compared to that of many animals, which drive trespassers away from their lairs or habitats; even the swans on each reach of the Thames resist invading swans from other reaches, and the public dogs in each quarter of Constantinople attack dogs from other quarters if they encroach. . . . Indeed, the very idea of prospective advantage which leads an intelligent being to take possession of or to make any useful thing, is an idea which leads him to resist the abstraction of it."

Restrictions imposed by any given community on the coming in of new inhabitants are, therefore, merely a manifestation of an inherent instinct, and traces of it would be found in all human codes from that of China to that of Massachusetts.

<sup>2</sup> It is unnecessary for the purposes of this paper to quote, or even to refer in detail to, the series of acts of the General Court conferring and regulating town bounds and powers. See the paper of Professor Parker already referred to (*supra*, p. 201, note 1), and the elaborate note by the reporter, Horace Gray, to the case of *Commonwealth v. Roxbury* (9 Gray, 460).



cial positions were created, — constables, selectmen, tithing-men, way-wardens, etc. Naturally, men like Winthrop and the others who guided legislation bestowed on many of the classes of officials thus created the designations or titles familiar in English experience, as belonging to those who had similar duties to perform in England. This similarity has since suggested derivation; and accordingly the origin of the Massachusetts town has been traced to the English vestry.<sup>1</sup>

Thus in early Massachusetts there were three distinct classes, the political and legal standing and relations of which have been, and still are, more or less confounded. These three classes were (1) the freemen of the colony, (2) the members of the ecclesiastical organization, and (3) the inhabitants of the towns. The freemen of the colony were the body of electors, — those entitled under the terms of the charter, and the colonial laws made in pursuance thereof, to vote in charter elections and to hold charter offices. They were a minority only, and a small minority, of the members of the congregations or the inhabitants of the towns. The members of the congregations were the great body of men, women, and chil-

<sup>1</sup> The marked analogy between the English vestry and the New England town-meeting is very clearly brought out in Professor Channing's paper entitled "Town and County Government in the English Colonies of North America," printed in vol. ii. of the "Johns Hopkins University Studies." Referring to the fact that New England and Virginia dominated the continent, Professor Channing says that the political education of the founders of these colonies "was acquired at the *town council*, the *county court*, and the *parish meeting*." Speaking generally, this is unquestionably true; as it is also true that the parish meeting, or vestry, bore a close resemblance to the Massachusetts town-meeting. Both were gatherings of inhabitants, who chose officers, — constables, waymen, and the like, — bearing the same designations; and in each case similar public needs were provided for. Professor Channing, therefore, evidently regards the town-meeting as a development from the congregation, the founders of Massachusetts having followed the familiar English precedent of vestry and parish.

The theory is both natural and plausible, but it wholly leaves out of sight the proprietary and corporate element dwelt on in the text. The general court of proprietors, which lay at the basis of the Massachusetts system, was no part of the English church or political machinery. The Englishman undoubtedly carried the political education "acquired at the town council, the county court, and the parish meeting" into the general court of proprietors, exactly as he carried his speech and clothing; but the general court was not thereby made a vestry, nor did it cease to be of legal and corporate, rather than of ecclesiastical or political origin. That the town-meeting in course of time performed many of the functions of the vestry, and followed some of its forms, is indisputable; indeed, under the circumstances, it could not well have been otherwise: and Professor Channing's investigations show in a most interesting way the extent to which these analogies and similarities went.

dren — white, red and black, bond and free — who habitually worshipped with a given church; the town or precinct constituted the territorial parish, those inhabiting within the limits of which had to contribute to the maintenance of the church; and, finally, the church was the body of communicants who had entered or been admitted into the covenant. The inhabitants of the towns were those owning land, — the free-holders, — who were all members of the congregation, for they necessarily dwelt in some parish; but they might or might not be either freemen or church members.

The overlooking of these legal distinctions, all based on the corporate origin of the colony, has led to much confusion and many erroneous statements. For instance, referring to the town organizations, — the early “plantations” under the charter, — one authority says, “the idea of the formation of such communities was probably derived from the parishes of England”;<sup>1</sup> another authority surmises that in the early days of the original towns “such local authority as was needed beyond the orders of the court was no doubt exercised by the clergymen, deacons, and magistrates”;<sup>2</sup> and again “an analysis of the evidence tends to show that the organization of the Puritan Commonwealth was ecclesiastical, and the congregation, not the town, the basis upon which the fabric rested. . . . No one could be a voter who was not a communicant; therefore the town-meeting was in fact nothing but the church meeting, possibly somewhat attenuated, and called by a different name.”<sup>3</sup> So elsewhere, — “If we remember now that the earliest New England towns were founded by church congregations, led by their pastors, we can see how town government in New England originated. It was simply the English parish government brought into a new country and adapted to the new situation.”<sup>4</sup> Finally, it is in another place set forth as an accepted and indisputable fact that it is to “be borne in mind that only a minority of the townsmen had any voice in the government.”<sup>5</sup>

None of these statements are consistent with the facts or the original town records. The organization of the Massachu-

<sup>1</sup> Barry's Massachusetts, vol. i. p. 215.

<sup>2</sup> Memorial History of Boston, vol. i. p. 427.

<sup>3</sup> Adams's Emancipation of Massachusetts, p. 26.

<sup>4</sup> Fiske's Civil Government in the United States, p. 39.

<sup>5</sup> Memorial History of Boston, vol. i. p. 504.

setts colony was, on the contrary, distinctly and indisputably legal, commercial, and corporate ; and not religious, ecclesiastical, or feudal. Singularly enough, this distinction, vital to the correct treatment of subsequent historical development, though sufficiently developed by Professor Parker in his paper already referred to,<sup>1</sup> seems to have been more distinctly perceived by a foreign writer, who is not known ever to have visited America,<sup>2</sup> than by any of the more recent native investigators, with the exception of Messrs. Goodell and Chamberlain.<sup>3</sup> In his "English in America" ("The Puritan Colonies") Mr. Doyle says :—

"Of the various rights of the New England township the most important, perhaps, was the territorial. . . . In New England, the soil was granted by the government of the colony, not to an individual, but to a corporation. It was from the corporation that each occupant derived his rights. Nor was this corporate claim to the land a legal technicality, like the doctrine that the soil of England belongs to the Crown, and that all estates in land are derived thence. The New England township was a landholder, using its position for the corporate good, and watching jealously over the origin and extension of individual rights."<sup>4</sup>

Thus the Massachusetts town-meeting was in its origin the meeting of the body of proprietors of the corporation for the transaction of corporate affairs. Such was the beginning of the system, — in its character commercial and modern, and not feudal or primitive ; legal, and not ecclesiastical. The next question relates to development. Of whom was the town-meeting composed ? What was the constituency ? Practically, and as matter not of theory but of fact, who were entitled to, and enjoyed a voice in, its deliberations and action ?

The town records, like those of Dorchester and Dedham, show conclusively that in the earliest days the local affairs of the separate plantations were managed through general and informal assemblies or meetings of the inhabitants, — those to whom allotments had been made or dwellings belonged ; but in a short time the jealous corporate spirit of the colony was excited, and as early as 1635, when as yet there were but thir-

<sup>1</sup> *Supra*, p. 201, note.

<sup>2</sup> Fiske's *The Beginnings of New England*, p. 280.

<sup>3</sup> *2 Proceedings*, vol. v. pp. 265-280, 320-331.

<sup>4</sup> *The Puritan Colonies*, vol. ii. p. 16.

teen Massachusetts plantations recognized, the General Court ordered that "none but freemen shall have any vote in any town, in any occasion of authority or necessity, or that which belongs to them by virtue of their freedom, as receiving inhabitants, and laying out of lots, &c."<sup>1</sup> In like manner, in March, 1637, the court ordered that "All persons of any trained band, both freemen and others, who have taken the oath of residents, or shall take the same, and being no covenant servant in household with any other, shall have their votes in nomination with those who are to be appointed captains, or other inferior officers of the same band, provided they nominate none but such as shall be freemen; for it is the intent and order of the Court that no person shall henceforth be chosen to any office in the Commonwealth but such as is a freeman."<sup>2</sup>

While reasserting the exclusive political power of the freemen, this order none the less conferred a limited franchise on a large number of persons; but a far more important and far-reaching step in the same direction was made four years later, when, in the Body of Liberties of 1641, it was provided (Art. 12) that —

"Every man whether Inhabitant or Forreiner, free or not free, shall have libertie to come to any publike Court, Councel, or Towne meeting, and either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance, so it be done in convenient time, due order, and respective manner."

Unquestionably under the rule of 1635 only freemen under the charter could legally hold colony offices, be deputies to the General Court, or vote in the choice of deputies; but this was not the rule in town-meeting, or as respects town offices, as the following orders of the General Court, passed respectively in May and November, 1647, conclusively show: —

"This Courte, taking into consideration the usefull partes and abilities of divers inhabitants amongst us, which are not freemen, which if improved to publike use the affaires of this commonwealth may be the easier carried an end, in the severall townes of this jurisdiction, doth hereby declare that henceforth it shall and may be lawfull for the free-

<sup>1</sup> Records, vol. i. p. 161.

<sup>2</sup> Ibid. p. 188.

men within any of the said townes to make choyce of such inhabitants, though non freemen, who have taken or shall take the oath of fidelity to this government to be jury men, and to have their vote in the choyce of the select men for towne affaires, asseasment of rates, and other prudentials proper to the select men of the severall townes, provided still that the major part of all companies (of select men be freemen) from time to time that shall make any valide act, as also where no select men are to have their vote in ordering of schooles, hearing of cattle, laying out of high wayes, and distributing of lands, any law, usage, or custome to the contrary notwithstanding.”<sup>1</sup>

“There being within this jurisdiction many members of churches, who, to exempt themselves from all publike service in the commonwealth, will not come in to be made freemen, it is therefore ordered by this Courte, and the authority thereof, that all such members of churches in the severall townes within this jurisdiction shall not be exempted from such publike service as they are chosen to be the freemen of the severall townes, as constables, jurors, selectmen, and surveyors of high wayes.”<sup>2</sup>

The foregoing provisions, as respects town-meetings and town offices, as distinguished from the General Court and the colony offices, remained in force throughout the colonial period. How did they work practically? Their legal and theoretical operation is obvious; their operation in point of fact is not so clear. Historical writers and investigators are usually students and men of the closet. Seldom have they been brought in direct and not infrequently rude contact with the practical working of institutions. Their position is very similar to that of writers called upon to describe military operations or battles without ever having taken part in the one or witnessed the other. Laws and their observance are very different things. For example, in many States of the Union there have for years been statute and even constitutional inhibitions of open bars and the manufacture and sale of what are described as “intoxicants”; and not improbably, looking merely at the statute-book, the historian of the twenty-first century may infer the rigid enforcement of the laws found in them, and assert that “intoxicants” were nowhere manufactured or sold in the States where the inhibition referred to was in force. So, during the whole of the present century, none but legal and duly qualified voters have

<sup>1</sup> Records, vol. ii. p. 197.

<sup>2</sup> Ibid. p. 208.

been entitled to take part in town-meetings ; and yet any one who has lived in a country town, and habitually, year after year, assisted in those meetings, much less undertaken as moderator or spokesman on the floor to guide the proceedings, knows well that in practice the inhabitants of the town, and not the legal voters, make up the meeting. The inhabitants, of course, are all males ; but little attention is paid to age, and, except in most exceptional cases, still less to the poll-list. Questions at issue are decided usually *viva voce* ; in cases of doubt, by the raising and counting of hands. The confusion and disorder prevailing at these meetings is often great, and rules of procedure little understood. Town-meetings are largely attended by young men, and they are the favorite resort of boys. Speaking from my own experience, I may add that for twenty years I attended these meetings, and in various capacities took active part in them. I have time and again seen the assemblage divide over questions in which the deepest interest was felt, and amid very considerable excitement. Hundreds would vote when the question was put, the vote being expressed in a shout which made the whole neighborhood resound, or in thickets of uplifted hands ; yet I never saw even an attempt made to exclude all but legal voters of the town from the meeting, nor did I ever hear a voter's right challenged. The law in those respects was clear ; but so also was the practice.

It is impossible to produce evidence now of town-meeting practice even in the provincial period, and much more so in the colonial ; for it is more than two centuries since the last came to a close : but we do know that the methods of procedure were far more simple, informal, and primitive than they afterwards became. Things now done with some regard to legal or customary requirements were then disposed of by general understanding, and no formal record even made of them. It is true social, civil, and political distinctions were more clearly defined and observed in the seventeenth than they are in the nineteenth century, but none the less to one who has taken part in a modern town-meeting the entries in the old books of record are very significant. Take the case of Braintree, for instance, of which Quincy, with the town-meetings of which I was familiar, was the original first precinct. The records of Braintree during the first fifty years of separate town life are

all included in thirty-six manuscript pages, more than half of which are filled with copies of contracts and other matters of registry usually relating to the laying out of ways or the transfer of real estate. Until May, 1640, Braintree, as Mount Wollaston, was a portion of Boston, and its earliest history must be studied in the Boston records. When incorporated, it naturally followed the lines of government with which it had been familiar as a part of Boston. The management of necessary local business was committed to a body of men "deputed for towne affairs." How these "townsmen" were chosen nowhere appears; but they seem to have been six in number, the name of one of whom, in 1640, the year of incorporation, does not appear in the lists of freemen. The first meeting of which there is any record was held the 29th of October, 1656, sixteen years after the town was incorporated, to take action about the common. It was "a publike meeting" held on "publike notis given six weekes before"; and at this meeting "the inhabitants that were their meet voted the Common for to lye as a free Common unto all inhabitants of the Towne, that are legally taken in by the Selectmen." Again, in 1657, a piece of the town common is granted to Samuel Kinsley "by the whole inhabitants . . . upon a training day." So in 1670, — "At a Towne meeting being publike notis given, and the towne being meet at Steven Paine's there was a vote passed by the inhabitants," etc., and in the previous year a vote was "passed by the towne at a generall meeting" providing that "every accepted inhabitant which is an householder in the towne shall have an equall interest" in a grant of land. In 1672, "It was agreed by the inhabitants of the Town upon a publike meeting that upon the first second day of March and the last second day of October annually that ther should be upon these dayes a generall Towne meeting of the whole inhabitants to consult and agree upon all things that may concerne the good of the Towne and for the choice of all their publike towne Officers." Then follow in the records a succession of votes passed at "publike towne" meetings, until in March, 1687, "At a Publike set day of all the Inhabitants convening together and there meet it was voted," etc. Finally, on the 20th of May, 1689, — "The inhabitants of Braintrey . . . being convened together . . . Christopher Webb, Senior, and Joseph Crosby were chosen by the Inhabitants as

their representatives for the Towne," etc., and the next year "Publik warning being given by our constables to the whole inhabitants of Braintray to meet together at eight of the clock in the morning at the meeting house upon the 3d day of November 1690, being come together," etc.

The language used in the records of Braintree is the same as that used in all the other records I have consulted; and, whatever the letter of the law may have been, that language is to me very significant as to the course of procedure actually in vogue in the town meetings held under the first charter; and that course of procedure goes far to explain the outcome of subsequent events. In treating of that outcome Mr. Doyle uses some weighty words, which deserve to be here quoted. "The spiritual growth of Massachusetts," he says, "withered under the shadow of dominant orthodoxy; the colony was only saved from atrophy by its vigorous political life."<sup>1</sup> The source of that "vigorous political life" is, I submit, revealed in the town records, and it found its focus and standing point in the general meetings of all the inhabitants of the towns.

It does not seem necessary to carry this branch of the discussion further, inasmuch as there can be no doubt as to what the final outcome really was. But, as the result of the investigations made while preparing this paper, I cannot refrain from saying that there seems to me to have been a certain amount of misapprehension in the minds of historians and investigators as to the condition of affairs, as respects town-meetings and town government at least, under what is commonly called "the Massachusetts theocracy." So far from church and town being practically one during the colonial period, or usurping on each other's functions, the two would appear to have been kept remarkably distinct. In the church records kept by the several pastors of the Roxbury, the Boston, the Dedham, the Dorchester, the Hingham, and the Cambridge churches no references are to be found to town or temporal affairs; while in the town records the reference is always simply to the prudential and never to the spiritual affairs of

<sup>1</sup> Doyle's *English in America: The Puritan Colonies*, vol. i. pp. 187, 188. "Puritanism was dead, and its profession had become a wearisome cant before the Revolution of 1688 gave it that vital force in politics which it had lost in religion" (Lowell's *Among my Books*, p. 288).



the church. Indeed a careful examination and collation of these original records leads almost irresistibly to the conclusion that much of the earlier history of Massachusetts as now set forth in the standard authorities, and so currently accepted, stands in need of greater or less revision.

Mr. CHARLES C. SMITH said he had received a letter from Mr. Goodell on the subject of Mr. Adams's paper. The letter is as follows:—

SALEM, Jan. 13, 1892.

MY DEAR SIR, — Since I wrote to you yesterday I have received a pressing invitation from Mr. Adams — to whom I had stated that I should probably be unable to attend our next meeting, on account of the state of my health — to write to you upon the subject of the essay, which he is then to present, on the “Genesis of the Township in Massachusetts.” He did me the courtesy to submit to me his paper, which I read with great interest. By comparing the views I have heretofore expressed before our Society on the same subject, you will see that it is needless to say how heartily I assent to Mr. Adams's main conclusions. I claim no pre-emption in the fields of historical research, which are open alike to everybody; but I must confess to a sense of satisfaction akin to pride, to find that he has brought from “fresh woods and pastures new” ample corroboration of the views I had formed chiefly from a study of the early development of Salem and Boston, and which I expressed at some length at the time Judge Chamberlain pointed out certain fallacies of the Connecticut theorists.

I see no way of avoiding Mr. Adams's conclusion that the “primordial-cell” doctrine, of the township as an element in the creation of the State, is not sustained by the simple accessible facts of history. Moreover, I think his views, supported as they are by the record evidence he adduces, must be considered irrefragable and final, notwithstanding they tend to subvert theories which are as old at least as De Tocqueville's brilliant “Essay on American Democracy,” which has had such a powerful influence in directing the tendency of modern political science.

The idea that the inducement to the formation of a particular kind of local administration must be ascribed to an hereditary impulse of so remote origin as to precede history, and that the little community controlled by this self-imposed system was an integral constituent of the State, and a necessary factor in its evolution, involves two propositions, neither of which, in my judgment, can stand the test of trial by the record.

The model of the charter government, as Mr. Adams says, was constantly before the first settlers; but, more than that, it seems to me

the Salem town-government had been a natural continuation of Endicott's government of the plantation or colony, with similar machinery, and with the same authority, save in those particulars in which the Great and General Court of the Company, at Charlestown or Boston, claimed exclusive jurisdiction. How smoothly, how insensibly, the transition must have been effected from the council of the plantation to the board of selectmen of the town! After the former had been superseded in the management of the general business of the colony by the Assistants of the Company, the local "prudential" affairs of the plantation at Salem were still to be administered by a local council or board, selected — precisely as was Endicott's council — of "thirteene, of such as shalbe reputed the most wyse, honest, expert, and discrete persons, resident upon the said plantacon." Thus came into existence the first board of thirteen men, subsequently reduced to half that number, or less, — but always thus "select," — for managing what, in course of time, came to be known as the "town" government, and was fully recognized as such by the ordinance of 1635-36.

Mr. Adams finds the Salem precedent followed in all the towns whose early records he has been exploring.

Mr. Adams deserves praise for grasping the subject by the right end. He begins with the town record. There he finds his clew. To correct any aberration from undue magnifying, or from over-hasty conclusions, on too narrow premises, he proceeds to collate the records of one town with another, and still another, finding always an agreement, or only such differences as might have been predicted from the known geographical or social peculiarities of the respective towns. Now, is not this the proper method of getting at the truth and of establishing a law?

To what he has found in old Suffolk County and in Middlesex, I have his permission to add the results of my own researches in the older towns of Essex; though I regret that I am not able at this time to imitate him in the pertinent and systematic citation which renders his paper particularly valuable.

I feel sure that he may await opposition with perfect confidence as to the result. Let us see who it is that shall point out the flaw in his reasoning, or controvert his facts.

I need say no more — if, indeed, I have not already said too much — on this point; but I would be willing to yield to Mr. Adams's solicitation to "insert in the Proceedings" a few words upon the distinction between "inhabitants" and "proprietors," which, I understand him to say, on the authorities he cites, did not exist in the seventeenth century.

I call attention, *per contra*, to the fact that this distinction was expressly recognized by Lord Somers and the other great English lawyers who prepared the charter of the province for King William and Queen Mary; and since that charter was procured through the offices

of some of the best informed politicians of New England, including Increase Mather, and was discussed, word by word, by the agents of both colonies, and their friends in London, before it was offered for the privy seal, and never a hint uttered that this distinction was a novelty, it requires more than an inference, however strong, to change my belief that these words had always here in New England their legitimate etymological signification.

I may not have another opportunity to go into this subject before the appearance of our next serial; so I will content myself with doing here and now what I suppose my friend Adams intended I should do, — that is, enter a brief *caveat* against a too ready acquiescence in the opinion that the present acceptance of those words does not date back to colonial times. In the present discussion this is important only as bearing upon the solidarity of the “inhabitants” proper, who, it seems to me, in all past time as at present, have constituted the corporeal entity of the “town.” The phrase by which these quasi corporations are described in the law and in legal proceedings, to-day, is “the inhabitants of the town of —,” and it was the same more than two centuries ago.

Of *freemen*, there were, indeed, some who were non-resident; but, so far from being reckoned *inhabitants*, these were expressly excluded from the basis of population upon which the number of deputies from a given town was estimated; and this was done far back in colony times.

These non-resident freemen proprietors were frequently of controlling influence, — indeed, not rarely they were the original joint purchasers of the township, yet, not having their residence with the actual settlers, they were not entitled to certain exclusive privileges granted to inhabitants, and eventually were deprived of all political control. The Dorchester vote or order of 1633 does not appear to have conferred on such non-residents the right to vote in town affairs.

The fact that, by a colonial ordinance as old as the first ordinance establishing town government, it was decreed that men should be “rated onely in the place where they lyve,” is one of those indications that are entitled to great weight in determining a point not settled by express enactment.

Again, Coke’s definition of the word “inhabitant,” in his Second Institute, which Mr. Adams cites, was special, and referred to its use in a particular statute respecting the repair of bridges (22 Hen. VIII.). The man who dwells in one place and manures his lands in another is declared to be an inhabitant of the latter, “within the [meaning of the] statute”; and this is all that Coke’s commentary conveys. He simply calls attention to a construction which had been given to this statute long before his day, and which seems proper enough when we consider that the repair of bridges is, or was, largely for the benefit of the hold-

ers of the adjacent improved lands. The judicial interpretation of this statute, which was never extended to the colonies, could not affect the general meaning of the word "inhabitant" all over this New World, — making a man an inhabitant, constructively, wherever he had a dung-heap, — though possibly it might afford a text to some mouser for legal curiosities, on the wonderful prevision of the great Commentator in preparing some show of stable foundation for the "jumped" claims of "squatting" gatherers of buffalo chips in our boundless western plains.

Sincerely yours,

A. C. GOODELL, JR.

CHARLES CARD SMITH, Esq.

The Hon. MELLEN CHAMBERLAIN then being called upon spoke substantially as follows: —

Mr. Adams in presenting his paper on the "Genesis of the Massachusetts Town, and the Development of Town-meeting Government," has told us that it was written as a chapter of his forthcoming History of Quincy; and that he had sent copies of it to several gentlemen of the Society — to myself among others — with the request that at this meeting they would express their opinions respecting the conclusions which he had reached.

This treatment of historical questions is a new departure which, so far as it tends to bring about a consensus of opinions, might be followed with advantage; but in the present instance, inasmuch as the matters contained in Mr. Adams's paper, as well as those in an earlier one to which he has referred, have been subjects of correspondence between us, and as my general views have been presented to the Society in a paper entitled "The New Historical School,"<sup>1</sup> there may be no good reason for my saying more than this, — that I regard Mr. Adams's paper as a valuable contribution to the literature of the subject, and in general, that it accords with my own views. Nevertheless, before I sit down I may advert to the few points on which we appear to differ.

In the mean time I wish to say something about the parochial theory, which, though not new, is newly interesting from the prominence given to it by the distinction of its recent advocates, among whom was Mr. Adams; but as he has relieved

<sup>1</sup> 2 Proceedings, vol. v. p. 264.

the ship by throwing overboard the parish system as the most cumbersome and least valuable part of the cargo, advised and assisted therein somewhat, as he frankly tells us, by one or two of the passengers who had made the voyage, some explanation of the reasons which influenced them seems due from them at this time.

The origin of the New England towns is not a new question. It has been discussed at home and abroad by those whose training and predilection for historical questions qualified them for such investigations. I propose, therefore, to mention those which have come under my eye, and have aided me in forming the conclusion that these towns were of domestic and secular origin, owing little to English models, and least of all, to English parishes.

In 1845 Richard Frothingham,<sup>1</sup> as the result of his investigations, said that "England did not furnish an example of New England town government"; and this seems to have remained his opinion twenty-five years later.<sup>2</sup>

In 1857 Mr. Justice Gray of the Supreme Court of the United States, then reporter of the decisions of the Supreme Court of Massachusetts, in notes to the case of *Commonwealth vs. Roxbury*,<sup>3</sup> treated one phase of the question with great thoroughness and ability.

In 1865 Joel Parker, formerly Chief Justice of New Hampshire, then professor in the Law School at Cambridge, with wider scope inquired into "The Origin, Organization, and Influence of the Towns of New England."<sup>4</sup> Having myself some years ago and again quite recently gone over the same ground in original authorities, and without reference to his work, I find that I am in accord with Professor Parker's views; and were it otherwise, I should venture dissent only on the clearest grounds, and with the consensus of those on whose judgment I could safely rely. For his paper in substance, though not in form, is the judicial opinion of one whose practice as a leading lawyer at an able bar, or as judge in the highest legal tribunal of his State, led him to explore the origin of New England towns with the thoroughness and accuracy required by his great responsibility.

<sup>1</sup> History of Charlestown, p. 49.

<sup>2</sup> Proceedings of the American Antiquarian Society, Oct. 1870.

<sup>3</sup> 9 Gray's Reports, p. 451.

<sup>4</sup> Proceedings, vol. ix. p. 14.

I have also read Mr. Melville Egleston's "The Land System of the New England Colonies," which seems to me an admirable piece of work; and not less admirable and with wider range are the papers of Mr. Charles M. Andrews, now professor in Bryn Mawr College, on "The River Towns of Connecticut,"<sup>1</sup> "The Beginning of the Connecticut Towns,"<sup>2</sup> and "The Theory of the Village Community."<sup>3</sup> Mr. William E. Foster, of Providence, an accomplished writer on historical subjects, has published a valuable paper on "Town Government in Rhode Island."<sup>4</sup> Either to mention or to commend in this presence "The Origin of Towns in Massachusetts," by our learned associate Mr. Goodell,<sup>5</sup> would be equally superfluous.

The opinion of Professor Parker, that New England towns were essentially indigenous, has been questioned, sometimes directly and sometimes indirectly, by the New Historical School, in which Prof. H. B. Adams, the late Professor Johnston, Prof. John Fiske, and our associate Prof. Edward Channing, are leaders; and therefore, after some hesitation, I have concluded to review, though not exhaustively, the origin of New England towns. Mr. Adams's thoroughgoing paper makes it unnecessary for me to go over the whole ground. There are at least three theories in respect to them.

First, that they were native to the soil, and planted by English emigrants with the instincts, traditions, and methods of their race, but controlled, nevertheless, by their charters, patents, or royal commissions, and the conditions of situation utterly unlike those which surrounded them in England.

Second, that they were copies of English prototypes, as those were of German, and these, again, of those in remote regions inhabited by the Aryan race; and that certain resemblances common to all are specific and conscious imitations rather than those forms and modes of action which arise spontaneously in all ages and everywhere when men gather in permanent bodies as village communities or as organized municipalities. One of the most distinguished of those who have adopted this theory and pushed it to its extreme limits,

<sup>1</sup> Johns Hopkins University Studies in History and Political Science, 1889.

<sup>2</sup> Annals of the American Academy of Political and Social Science, Oct. 1890.

<sup>3</sup> Papers of the American Historical Association, vol. v. p. 47.

<sup>4</sup> Johns Hopkins University Studies in History and Political Science, 1886.

<sup>5</sup> 2 Proceedings, vol. v. p. 320.

was Professor Johnston, who claimed that towns—not companies of men merely, but organized towns—migrated from England to Massachusetts Bay and thence to Connecticut.<sup>1</sup>

<sup>1</sup> In the paper on "The New Historical School," above referred to, I said that in the cargoes shipped by our ancestors to Massachusetts Bay, no such thing as a town was to be found; and this I hear has been regarded as a denial of what no one ever thought of asserting. I had in mind the following paragraph in Professor Johnston's "The United States: Its History and Constitution," p. 10: "In New England local organization was quite different. A good example is the town of Dorchester. Organized [March 20, 1630] in Plymouth, England, when its people were on the point of embarkation for America, it took the shape of a distinct town and church before they went on shipboard. Its civil and ecclesiastical organizations were complete before they landed in Massachusetts Bay, and came under the jurisdiction of a chartered company. Its people governed themselves in all but a few points, in which the colony asserted its superiority. As the colony's claims increased, the town's dissatisfaction increased. In 1635 the town migrated in a body, with its civil and ecclesiastical organizations still intact, into the vacant territory of Connecticut, and there became the town of Windsor." This is what had been asserted, and this is what I denied,—that a town came over with Winthrop's fleet in 1630. The sole foundation for the assertion, so far as I am aware, is the following passage from Blake's Annals of Dorchester, p. 7, amplified somewhat from a similar passage in Clap's Memoirs in Young's Chronicles of Massachusetts Bay, p. 347: "These good People [those who came to Dorchester with Maverick and Warham] met together at Plymouth, a Sea-port Town in y<sup>e</sup> S<sup>d</sup> County of Devon, in order to Ship themselves & Families for New-England; and because they designed to live together after they should arrive here, they met together in the New Hospital in Plymouth and Associated into Church Fellowship, and Chose y<sup>e</sup> S<sup>d</sup> Mr. Maverick and Mr. Warham to be their Ministers and Officers, keeping y<sup>e</sup> Day as a Day of Solemn Fasting & Prayer, and y<sup>e</sup> S<sup>d</sup> Ministers accepted of y<sup>e</sup> Call & Expressed y<sup>e</sup> same." From this it seems to have been inferred that certain persons who met at Plymouth, in England, with the intention of going to Massachusetts Bay, by forming a church and choosing church officers and expressing their purpose to live together on reaching New England, thereby became a body politic, civil and ecclesiastical, at Dorchester, Massachusetts, without having acquired that character by prescription or by incorporation under the charter. So far as this assumption applies to the town, it does not require serious refutation; nor am I sure that it is better founded in respect to the church. The simplest idea of a church is that of a body of people associated together with a common belief, having power to admit and reject members, and discipline them on charges which not proven might be actionable with damages, except for the immunity accorded such bodies by the law of the place. That such a body can exist *proprio vigore* without the permission, expressed or implied, of the civil power, is, I confess, utterly at variance with my ideas on the subject. Had it been so, what would have prevented any like number of Baptists, Church of England men, or Roman Catholics having right to allotments of lands under the company, forming themselves into churches and transporting themselves to Massachusetts Bay, with ecclesiastical rights and privileges in spite of the Puritan church? How the far less pretentious claims of the Episcopal Brownes were met by Endicott and his Council, is matter of history; and how the General Court regarded such voluntary associations even by those whose theological tenets and church forms were unexceptionable, may be learned from the following order of the General Court, March 3, 1636: "Forasmuch as it hath been

Third, is the theory which, while it denies or is silent in respect to the Germanic origin of New England towns, claims that they are essentially reproductions of the English parish, and their procedure that of the English vestry. The late Rev. Mr. Barry, if not to the fullest extent of this theory, goes very far when he says: "The idea of the formation of such communities [towns] was probably derived from the parishes of England, for each town was a parish, and each, as it was incorporated, was required to contribute to the maintenance of the ministry, as the basis of its grants of municipal rights."<sup>1</sup>

Professor Fiske puts it unequivocally that the town government in New England "was simply the English parish government brought into a new country and adapted to the new situation."<sup>2</sup>

If there be any doubt how far our learned associate Dr. Edward Channing accepts this theory in his "Town and County Government," he is here to resolve it if he so chooses.

I have read these authorities with the attention due to the subject, and with the respect commanded by the learning and ability of the writers; but if they mean more than this, that the aptitude of the English race for government is greater than that of the Latin and Celtic races, chiefly by reason of its experience in legislative bodies, among which may be reckoned English town-meetings and parish vestries, then I must dissent for reasons which I now proceed to give. But first let us

found by sad experience, that much trouble and disturbance hath happened both to the church and civil state by the officers and members of some churches, which have been gathered within the limits of this jurisdiction in an undue manner, and not with such public approbation as were meet, it is therefore ordered that all persons are to take notice that this Court doth not, nor will hereafter, approve of any such companies of men as shall henceforth join in any pretended way of church fellowship, without they shall first acquaint the magistrates, and the elders of the greater part of the churches in this jurisdiction, with their intentions, and have their approbation herein" upon pain of being excluded from admission as freemen. (1 Coll. Rec. p. 168.)

I do not propose to discuss this theory further than I have already done in "The New Historical School," chiefly because, if not given up, it has at least been greatly shaken in late years; but partly since its critical examination leads me into fields with which I am not altogether familiar, and from which those who are bring back widely different and inconsistent reports.

<sup>1</sup> History of Massachusetts, vol. i. p. 215.

<sup>2</sup> Civil Government in the United States, pp. 39, 41, 42. And see other references by Mr. Adams to the Memorial History of Boston, vol. i. pp. 405, 427, and Adams's Emancipation of Massachusetts, p. 26.



confront these theories with the phenomena of admitted facts in regard to the origin of New England towns.

The sporadic settlements in New England which ultimately became colonies, or towns within them, were not made on territory under the acknowledged jurisdiction of any sovereign authority capable of instant and effective protection in case of assault; but on the contrary, proprietorship and jurisdiction were claimed, on the one hand, by Indian tribes, and on the other, by the French with whom the English were chronically at war. This fact lay at the foundation of origins, and had a formative influence upon developments from them, since it forced the settlers, whether families like those of Maverick at Winnisimmet, Blackstone at Boston, and Walford at Charlestown, or groups like those at Falmouth and Saco in Maine, and Portsmouth, Exeter, and Dover in New Hampshire, and Plymouth, Salem, Boston, Groton, Haverhill, Deerfield, Springfield, and Northfield in Massachusetts, and Providence, Portsmouth, Newport, and Warwick in Rhode Island, and Hartford, Wethersfield, and Windsor in Connecticut, to postpone communal affairs, such as roads, local police, care of the poor and schools, to affairs of state, such as war and peace, limits of territory, jurisdiction and defence. Each of these towns was the possible centre of an independent colony; and five of them (Exeter, Boston, Plymouth, Providence, and Hartford) became such.

This phenomenon in the origin of New England towns may not be unique; but to find anything like it in the Old World, we must run back into the remote past until we meet a case where people leaving the protection of a settled government sought a region foreign and remote; and there, first asserting and maintaining independent statehood,<sup>1</sup> finally relegated them-

<sup>1</sup> To this fact of statehood common in the history of so many of the early towns, I think is largely due that spirit of independence, as little republics, which sometimes asserted itself even against the paramount government, but was always finally reduced to due subordination. The mistake has been made of regarding this spirit of independence — a survival from earlier days — as an ultimate fact of political independence in later days. Nothing can be further from the truth. Towns were sometimes obliged to assume the duties of the State, and on the other hand, the State not infrequently discharged communal offices; but when their character as State or town was ultimately determined, each was relegated to its own proper functions. All the powers and the very existence of towns are derived from the State. At any time it may unite or divide them, enlarge or diminish their powers, or even take them away altogether.

selves or were relegated into subordinate communities, from which they developed into corporate bodies having essential resemblance to those New England towns which have attracted attention on both sides of the water, as something the precise like of which does not appear in recorded history.

The next phenomenon, though not peculiar to New England towns, is this, — that between their coming together, either subject to some paramount government, or living independently of any such government, and their final incorporation as bodies politic, these village communities exercised certain rights and performed certain duties not unlike those which afterward appertained to them as incorporated towns. By common consent, it would seem, they divided some lands among themselves and held other lands for common use, either for wood or pasturage, and in both cases assuming corporate ownership so far at least as to make good title in the allottees. They also provided in respect to those communal necessities which, few and simple at first, increase with the growth of village communities. Nor is it unlikely, but on the contrary it is most likely, that for better understanding of their common interests they came together in assemblies, chose a chairman, appointed committees, and delegated certain powers to a select number of their body, just as they had done in their English parish vestries, and, for that matter, as reasonable people in all nations and in all ages have done and must still continue to do. In the absence of records, the facts of this stage of communal life are conjectural rather than determinate. From their later records, however, we learn some things which they did, but little as to the precise mode of doing them. This experience doubtless had great influence in shaping the form, determining the character, and regulating the conduct of towns after they became incorporated bodies; and indeed, I think that the later definition of their powers and duties by the State was mainly in confirmation of what had come to pass from the nature of things and their circumstances.

The third phenomenon is the erection of these communities into bodies politic by incorporation, not as units of the sovereign State,<sup>1</sup> but as dependent bodies owing their corporate ex-

<sup>1</sup> I cannot regard towns as units of the State, as some do. I do not see that the mere aggregation of like things produces an unlike thing, as that several hundreds of towns of derived and limited powers constitute a state of sovereign powers,

istence and exercising all their delegated functions in strict subordination to the paramount power.

The last phenomenon presented by New England towns to which I shall advert is the promulgation by Massachusetts, as early as 1636, of their rights, powers, and duties, with a completeness and precision to which the advanced civilization of two and a half centuries has found little to add. Of course new instances and new applications of communal powers and duties have arisen, and others doubtless will arise in the future; but the principle — that of incorporation for communal purposes — remains the same as it was in the beginning.

I now proceed to consider the attempt to affiliate New England towns upon the English parish.

We all know what a New England town is to-day, — its organization, the source of its powers and privileges, and under what sanction it performs its duties. But what an English town or an English parish is, — what their several jurisdictions, powers, rights, duties, and relations to each other and to the sovereign authority are, — it is not easy to say with precision. Their origins reach back to a remote and clouded antiquity, and they are what they are, not by written laws, but by growth, prescription, and specially granted privileges, so varied and anomalous that any definition of them has almost as many exceptions as there are cases included in it.

There is another impediment to the successful investigation of English institutional origins. With us, in respect to our own, such questions excite no feeling more poignant than a rational curiosity as to the truth of history; but with our English brethren similar questions are burning questions, involving in their settlement either way not only the sacrifice of deeply seated political and ecclesiastical prejudices, but also important political and pecuniary interests. Hence in the discussion of them, as in a lawyer's brief, authorities which make for one side are set forth with fulness, while those which make for the other side are too frequently suppressed or slurred over.<sup>1</sup>

or that a hundred copper cents can be constituent units of a gold dollar, or, in fine, that species by combination can form a new genus. I prefer to regard the State as an aggregation in a body politic of those units capable of forming a State, — the duly qualified inhabitants thereof, upon whom, in the last analysis, monarchies and even despotisms, as well as republics, rest.

<sup>1</sup> In his "History of Representative Government," Guizot has noticed the influence of political predilection in shaping the argument and determining the

IN England, time out of mind, there has been contention between those who, on the one hand, would retain within parish control not only the prudentials of the church, but also the maintenance of roads, the care of the poor, etc.; and those, on the other hand, who would withdraw from an essentially ecclesiastical body like the parish, the care of matters purely secular, and intrust their direction to that civil corporate body known as the town. This contention arrays people into parties: one claiming that since, in the order of institution, the towns antedate the church and include the great body of qualified inhabitants, by fair right they should control those secular interests which belong to municipal bodies; and the other, denying the premises, and asserting that the parish is not only the older institution, but that it is and always has been a secular institution, demand that its control of secular affairs be continued.

And so this historical question becomes an economic question upon the settlement of which depends the patronage of office and the disbursement of the large sums annually expended in municipal affairs, — whether they should be open to the whole body of qualified inhabitants of the town, or continue as they have been, in the management of the parish, which, though composed mainly of the same persons as the town, is nevertheless by its possession of machinery essentially ecclesiastical, and, under the influence of ecclesiastics beyond popular control, confines to a few persons rights and duties which belong to all.

On any question of English local history fairly treated, I defer to the English decision of it, however at variance with any opinion I have drawn of original authorities; for I am aware that an American must mainly read those authorities along the lines, and that only a native is privileged to read between the lines, where the truest part of history is always to be found.

But I am not willing to accept any history, foreign or domestic, written to serve a party or an interest; and such, after careful examination, I think is Toulmin Smith's "The Parish,"

conclusion both of Whigs and Tories, — the former in support of popularizing parliamentary representation, claiming for it a remote antiquity; and the Tories, always willing to restrict popular privileges, asserting that everything which sustains these privileges was a late innovation.

greatly relied on by those who find the origin of New England towns in the English parish of the seventeenth century.

Toulmin Smith claims that the parish antedates the town; that its origin and functions were secular, not ecclesiastical, but that this secular body had drawn to itself certain ecclesiastical functions: to all which is opposed authority equally high, at least, and the manifest tendency of ecclesiastical power everywhere and in all ages to usurp secular powers.

Brande<sup>1</sup> says that "in the earliest ages to the Church, the parochia was the district placed under the superintendence of the bishop, and was equivalent to the diocess; . . . but though originally ecclesiastical divisions, parishes may now be more properly considered as coming under the class of civil divisions." A late writer whose work<sup>2</sup> is commended by our associate Dr. Channing, as "the best description of the English parish at the present day," says: "Though in its origin the parish was probably framed upon the old township, it soon became a purely ecclesiastical division, and the permanent officers were ecclesiastics also. The church-wardens, with the parishioners in vestry assembled, presided over by the clergyman, managed the affairs and administered the parochial funds. Gradually the tendency increased to treat the parish, for purposes of local administration, as a unit as well as an ecclesiastical division; and it in particular acquired statutory authority to impose rates to provide for its poor and to elect officers to collect and administer the funds belonging to it; whilst on the parish from the earliest times the old common law had always imposed the duty of maintaining and repairing the public roads."

But against all this Toulmin Smith contends,<sup>3</sup> that the parish is an essential part of the fabric of the State; that its original and main work and functions were secular; that those who seek to represent these as being ecclesiastical are truly, though without always intending it, enemies both to the religious and civil institutions of the country;<sup>4</sup> that the parish was made for the administration of justice, keeping the peace,

<sup>1</sup> Encyclopedia of Science, Literature, and Art, title "Parish."

<sup>2</sup> Elliot's The State and the Church, p. 55.

<sup>3</sup> The Parish, pp. 11, 12, 15, 23, 26, 33.

<sup>4</sup> This, and such-like passages, I think, justify me in calling his work a partisan affair.

collection of taxes, and the other purposes incidental to civil government and local well-being; that ecclesiastical authorities are very anxious to make it appear that parishes took their rise from ecclesiastical arrangements; that ecclesiastics no sooner got established in parishes, than they endeavored to make their authority paramount there; that the old meaning of the word *town* was simply what we now call parish, and that in country churchyards, in parishes where there has never been any *town*, in the modern sense, inscriptions will be found, both of old and recent date, naming the parish, township, or otherwise, as the *town*.<sup>1</sup>

Now, whatever may be the truth in this conflict of authorities respecting the nature of towns and parishes before 1600 or after 1630, it would be much to our purpose if we could learn what the parish was between those dates; for then the education, character, and prejudices of those who were to make New England towns were mainly formed by their participation in English parish affairs. What, then, during these formative years was there in the conduct of English parishes that would predispose them to accept or to reject them with their vestry system of administration, as models of their town organizations and the conduct of their town-meetings?

This question may be answered in part by a quotation from Toulmin Smith's book: "One of the most daring and insidious of ecclesiastical encroachments has been the attempt to interfere with the election of church-wardens, and to take the election of one of them out of the hands of the 'temporal

<sup>1</sup> It is by such rubbish as this that Toulmin Smith endeavors to prove the legal identity of the corporations in England known as towns and parishes; and to the same effect I have found, under some mislaid reference, the following: "Memorandum that this year 1581, by the consent of the parish of Stowmarket there was grant made to two persons of the ground commonly called the town ground of Stowmarket for the term of three years paying to the churchwarden . . . and the town further do condition, etc."; from which another writer infers that the town and parish were interchangeable names of the same body. In that case we should have the parish (that is, the town) consenting to a lease made by the town (that is, the parish); or, in other words, the town makes a lease, and then the town consents to its own act, which is absurd. The real transaction seems to have been this: the town, one corporation and owner in fee, makes a lease of the "town ground"; and the parish, another corporation, having some interest in that ground, for a valuable consideration paid to the church wardens, the parish representatives, consents to the lease, thereby giving a clear title.

estate,' and make the office the donative of the parson. This attempt was made by certain ecclesiastical canons adopted by Convocation in 1603."<sup>1</sup> This was one of the one hundred and forty-one articles of the Book of Canons which passed both houses of Convocation in May, 1603, and was ratified by the king, but was afterward declared by the courts to bind only the clergy, not having been confirmed by act of Parliament;<sup>2</sup> but long before this it had done its intended repressive work upon the Puritans, against whom it was chiefly aimed. Besides the article already quoted, designed to enlarge the power of the established clergy in parish affairs, were others respecting parish clerks. Among the duties of the parish were the repairs of the church edifice; and under cover of this, Laud, some years later, caused the restoration of those paintings and relics of superstition and idolatry, as the Puritans thought them, which had been destroyed after the Reformation.<sup>3</sup> And in general, the parish vestry, sometimes legally and sometimes otherwise, and always by the power and influence of its officers, became an effective instrument in the enforcement of those cruel measures which caused so much suffering to the Puritans, and finally drove them into exile in New England. This, surely, was not precisely the education, training, and personal experience which would cause them to become so enamoured of the parish system as to make it the model of their Massachusetts towns.

After the Reformation an English church with its parish vestry performed a function of the English government, and its foundation was in the constitution. A local church was part of a system co-extensive with England, recognizing no superior, no equal, no other.

The creed, ritual, liturgy, and discipline of one church were those of every other established church; and all were ordained or sanctioned by Parliament, — a secular, not a spiritual body.

Its ministers, each of whom was a corporation, were not chosen by the local church or parish, but on presentation of the patron in whom that right was private property subject to sale or mortgage, and who was not infrequently influenced by most unworthy motives, were instituted by the bishops of the

<sup>1</sup> The Parish, p. 291.

<sup>2</sup> Neal's History of the Puritans, vol. ii. p. 57.

<sup>3</sup> Ibid. p. 240.

diocese ; and their support was not by voluntary contributions of the people, but mainly by tithes exacted from them under parliamentary laws.

Its secular or prudential affairs were managed by the vestry, whose powers enlarged sometimes by law and sometimes by ecclesiastical usurpations, had come to include matters having no relation to religion.

That the high-churchmen who settled Virginia should adopt this system, as they did, would accord with the fitness of things ; but that Puritans should do so, was not likely nor in accordance with the facts.

For the Puritans who came to Massachusetts Bay were in revolt against both sides of the system ; and no sooner had they reached Salem than they swept away every vestige of it. And not long after, Endicott, as has been said, shipped the Brownes back to England for openly expressing what non-conformists had professed, loyalty and love for the Church of England. So wide and profound was the change they had undergone since leaving their native shores, that those who had been non-conforming Puritans in England became independents in Massachusetts Bay, and ever after, in creed, discipline, and church order, were in no essential respect distinguishable from the Separatists at Plymouth.

What, then, was the independency which Winthrop and his people set up, and whence came it ? The Puritan church system established on New England soil, regarded either as a protest against the Arminian tendencies of the English Church, or as a mode of ecclesiastical government having relations to civil society, was an exotic brought from Geneva to England, and thence to New England. The Church of England, at the time of the great emigration, was led by the Arminian Laud ; the Puritan Church of New England embraced the creed of Calvin as interpreted and enforced by the Synod of Dort. The Church of England was dominated by a hierarchy to which the churches in every parish in England were in subjection. A Genevan church chose its own creed, established its own discipline and order of worship, called its own pastor and supported him by voluntary contributions.

It was this simple Genevan system that the refugees from persecution in the days of Mary brought back on their return from the Continent in the days of Elizabeth and James ; and



it was this Genevan system, theological and ecclesiastical, that Elizabeth and James and Charles sought to crush by all the powers of government, civil and ecclesiastical; and it was from the persecution brought on by the conflict between the two systems that they fled to New England; nor did it cease even there.<sup>1</sup>

They fled from the Arminian Laud: what likelihood of their bringing Arminianism to Boston? They fled from ecclesiastical exactions countenanced, and in some particulars enforced by the Church of England vestry and parish authorities: what greater likelihood of their choosing an English parish as the model of a New England town?

Of course, in both systems — that which they left behind, and that which they built up in their new homes — there was one common factor, an Englishman; an Englishman with the instincts, traditions, and habits of his race, — a race averse indeed to new methods and inclined to old methods, but, nevertheless, never allowing them to stand long in the way of needed reforms, or to impede the course of essential justice, as Strafford with the law on his side found, and Charles I. with the Constitution on his side, and as did James II. when a convention assumed the powers of Parliament and changed the succession to the crown against the claim of divine right and established order. The Puritans were Englishmen in England; they were no more and no less than Englishmen in Boston Bay. We need not be surprised, therefore, nor draw any unwarranted conclusions from the fact that in their new homes they did some things after the old fashion.

And because New England towns issued warrants and posted notices for town-meetings, and chose chairmen and conducted business precisely as they had done in English towns or vestries, and as civilized people everywhere do, it

<sup>1</sup> The influences which prompted the movement of Laud in 1634 to overthrow the Massachusetts charter may be gathered from Thomas Morton's letter written from England, in May, 1634, to William Jeffreys in Massachusetts; "which shows what opinion is held amongst them [their lordships] of King Winthrop with all his inventions and his Amsterdam fantastical ordinances, his preachings, marriages, and other abusive ceremonies which do exemplify his detestation to the Church of England, and the contempt of his Majesty's authority and wholesome laws, which are and will be established in these parts, *invitâ Minervâ*." (New English Canaan, Prince Soc. Ed. p. 63.)

does not follow that they modelled their towns to the pattern of an English parish.

What are the essentials of the two systems, respectively? In the English system the Church of England, with its associated parish, was a constituent part of the English government, and its bishops were an estate in the realm. In Massachusetts, on the contrary, neither religion nor ecclesiasticism was a constituent in the Constitution, — the charter of a Land Company. Both were functions assumed by the General Court, and were ultimately lopped off with no remaining scar. However influential the clergy may have been, — and their influence can hardly be over-estimated, — they had neither place in government, nor summons to the General Court, nor voice there unless asked, and no more political power in the affairs of State, town, or church than other freemen. Nor was their loss of comparative influence in later days by reason of their elimination from the Constitution: they were never in it.

What has been said of the clergy may also be said of the Church. It had no part in the government, general or local. It sent no delegates to either house, and even its own synods were held only by express permission of the General Court.

Of the forces formative of a constitution, that is the most original and dominating which longest survives. The potent has permanence; the non-essential falls away. And so in New England towns to-day the full current of their democratic life-blood flows without a strain from the veins of that composite ecclesiastical, hierarchical, and civil body known as the English parish. Even its name must have been distasteful; for it was sedulously avoided by people and legislators for fifty years or more, and then came into use with precinct and district, chiefly to describe a part of a town set off to form another religious society.<sup>1</sup>

<sup>1</sup> The relation of the town to the church within it came to be, outside of Boston, the same as that of the modern religious society to the church with which it is connected; that is, it built and kept in repair the church edifice, and its consent was necessary to the settlement of a minister nominated by the church, and it determined the amount of his salary to be levied on the taxable persons and estates within the town. All these matters were transacted in town-meeting duly called, and record thereof entered by the town clerk. When a town was found too large, or its inhabitants too numerous to be accommodated in a single church, or for other sufficient reason, it was divided territorially to form a second

For the foregoing reasons I am not in accord with those who trace the origin of New England towns to English parishes, or find essential resemblances between them.<sup>1</sup>

In the development of the autonomy of the New England colonies there were three distinct forces aside from soil, climate, and situation, all acting toward a common end, and dominated in a sense before unusual by a common public sentiment, which formed the atmosphere out of which neither could have lived and done its appointed work. These were the state, the town, and the church; and these three, though in some sense distinct, were not three states, but one state, since the fundamental idea of a state implies its unity, however its powers are distributed, or by whatever agencies its functions are executed. Yet they were distinct in this sense: they were organizations, not merely several collections of individuals performing certain functions of government. They were corporate bodies, each having a life of its own, but all working together for the common welfare. The powers of neither were inherent. The state derived its powers from the crown; and the town and church theirs severally from the state.

I find, as I think, that the Puritan state and town on New England soil were essentially indigenous, and their development the outcome of life under the new conditions. The

church. This second church, like the first, in its secular affairs was based on the taxable persons and estates within its limits; and the new religious society was called the second parish, district, or precinct, — precinct being, I think, its legal designation. This new precinct was a *quasi* corporation for religious purposes, and, like the town, required a clerk to keep its records, and assessors and collectors. Its powers and duties were defined by statute; and we then begin to hear the word "parish," — a survival, and the only survival I find of the English parish, — in common use as the most convenient designation of the new division.

<sup>1</sup> In this investigation I have not been unmindful of the danger which lurks in general statements of facts, or in conclusions from them in respect to the complicated and anomalous nature of English towns and parishes at different times and in different parts of England. Though I believe I have good authority for every statement I have made, yet when I see that English specialists on the subject differ so widely among themselves, notwithstanding their opportunities for local study, and aided as they are by traditions and other sources of information not accessible to non-residents, I cannot hope to have avoided errors. It may be observed, however, that if any historical question is to be settled on general facts, — by the trend of the stream rather than by its occasional windings and retrogressions, — it is the one before us, in respect to which strong probabilities have a determinative force when the facts are disputed.

charter of Massachusetts, it is true, was of English origin, and with English definition of its powers; but from its start on Massachusetts soil it swiftly developed from a land company into a government proper, exercising the powers and functions of sovereignty with only nominal subjection to the parent State; and that New England towns, in like manner, developed their autonomies with slight reference to their English analogues, but mainly under the influence of the new government, and entirely in its spirit, — that of a new departure in a new world.

The very settlement and permanence of New England were due to influences not at all in accord with the economic or political motives which before had led to the formation of colonies with the permission of the parent State. It was religion, but not the church, — religion in the life of individuals, not religion as a corporate power. To it, as such, the colonists accorded no independent place in their system, but held it in strict subordination to the civil power.

Thus Massachusetts, in some respects unique in the motives which led to its settlement and original in transforming its land-company charter into a frame of general government, ordered the founding and character of its towns, churches, and other institutions on the basis of an independent Commonwealth. But it is the origin of her towns with which I am mainly concerned.

It is not always easy to fix the beginning or the end of an institution. We may observe, indeed, when its sun rises and when it sets; but where begins its dawn, or when its twilight ends, is quite another matter, and not amenable to exact definition. And so is it in respect to Massachusetts towns. If we refer their origin to the first enumeration of their powers, our search ends with the often quoted Ordinance of the General Court, March 3, 1636;<sup>1</sup> if to their power and liability to sue and be sued, then with the statute of 1694; or if to their formal incorporation as bodies politic, then only with a search for nearly two hundred and fifty years, ending with the statute of 1785.

The period of uncertain twilight, therefore, is between the possible unrecorded action of Endicott and his Council after the arrival of the Charter at Salem in 1628, and the Ordinance

<sup>1</sup> 1 Coll. Rec. p. 172.

of 1636 above referred to ; and this period I shall now attempt to explore with such lights as are afforded.

Of the several attempts to form settlements along the New England coast prior to 1628 apart from Plymouth, that at Sagadahoc, in 1607, was a total failure ; those of Weston, Gorges, Morton, and Wollaston, in or about Weymouth and Quincy, between 1622 and 1625, came to naught ; and those in New Hampshire, by Thompson at Little Harbor, and the Hiltons at Dover, in 1623, after a sickly existence for some years, were brought under the Massachusetts jurisdiction in 1641, and so remained until their formation into a royal government July 10, 1679. These enterprises did not stand the strain of labor, want, and sacrifice.

A few individuals with their families, as Maverick at Winnisimmet, Blackstone at Boston, and Walford at Charlestown, — probably survivals of wrecked companies, — maintained isolated plantations ; but the largest company of Englishmen north of Plymouth were the remnants of those who, under the direction of English capitalists, between 1623 and 1626 had undertaken to form a plantation in connection with the fisheries at Cape Ann, from which they removed to Salem.

This settlement, for some time under the care of Roger Conant, became the basis of the Massachusetts Bay Colony ; and those interested in it, — chiefly West England people, — reinforced by London capitalists in 1627, obtained from the Council of New England a grant of land, March 19, 1628, which included the greater part of Massachusetts as now bounded, and June 20 of the same year sent over John Endicott as Governor, who reached Salem September 6 following. The next year, March 4, 1629, the king granted them a Charter.

This, it is to be remembered, was a land company formed as a business enterprise, whose policy determined the nature of the first settlement, and finally the character of the Massachusetts towns. Their plan contemplated the building of one Central Town capable of defence against foreign foes, and so regulated that while it allowed the planting of other towns in due time, it would nevertheless present an unbroken front to Indian hostilities such as had devastated Virginia,<sup>1</sup> and threatened the sporadic settlers at Winnisimmet.

<sup>1</sup> "Be not too confident of the fidelity of the salvages . . . Our countrymen have suffered by their too much confidence in Virginia." (Cradock to Endicott, Feb. 16, 1829 : Young's Chronicles of Massachusetts, p. 136.)

This also ought to be remembered, — that when Winthrop and the East England Puritans, in the autumn of 1629, embarked their fortunes in the enterprise, it assumed a more distinctively religious character which did much to shape the character of New England. For while the Company from the first — greatly influenced, doubtless, by the very reverend and truly pious John White of Dorchester, by some regarded as the real father of New England — provided for the conversion of the Indians,<sup>1</sup> Winthrop and his associates seem to have contemplated the grander scheme of a Commonwealth in Church as well as in State.

As I have said, Endicott arrived at Salem early in September, 1628, and as governor immediately took charge of the plantation. Before setting sail for his government he was doubtless instructed as to his powers and duties; but these instructions, if ever reduced to writing, have not been preserved. We may assume, however, that they were in accord with those sent over to him in letters under date of February 16, April 17, and May 28 of the next year, 1629, and the accompanying ordinances.

A résumé of these powers and duties in respect to matters now in hand will give some idea of the influences which Endicott brought to bear in forming the character of towns and churches before the coming of Winthrop, and throw light upon proceedings after that event, where the records are silent.

April 30, 1629, the General Court in England declared its intention "to settle and establish an absolute government at our plantation" in Massachusetts Bay, and in pursuance thereof elected Endicott (who had been at Salem nearly eight months) governor; and he received a duplicate of the charter, and the seal of the Company. With his council he had full legislative and executive powers consistent with the charter and not contrary to the laws of England; could seize and hold the lands claimed by Oldham under the Gorges patent and expel intruders thereon; could set up a government there and build a town and choose a minister for it; arrange with the old planters in respect to the lands they occupied, allot lands and con-

<sup>1</sup> "And we trust you will not be unmindful of the main end of your plantation, by endeavoring to bring the Indians to the knowledge of the Gospel." (Cradock to Endicott, *ut supra*, p. 133.)

vey them by the Company's deed under seal, build a house for the ministers at the public charge, and build one chief town and determine location of all others. In the execution of these large and varied powers, it is not altogether likely that a man of Endicott's positive views and character, exemplified by his excision of the cross from the banner of England, and the expulsion of the Church of England Brownes, would find models for his towns in an English parish, thus engrafting an anomalous and highly artificial system on bare creation.

The population of Salem, including those who came with Endicott in September, 1628, was not above sixty persons,<sup>1</sup> to whom Higginson added two hundred the next year; and all, "by common consent of the old planters, were combined into one body politic under the same governor."<sup>2</sup> By sending Endicott and Higginson, with their companies, to Salem, the Company determined where "the town" should be built, houses erected, and all to be fortified, as Higginson informs us, with "great ordnance"; and thither came the greater part of Winthrop's fleet in June, 1630. So the location of the principal town was designated by the Company in England; and yet it shows the nature of this determining power, that when the Company was transferred to Massachusetts Bay and had examined the situation more carefully, Cambridge, not Salem, was made the capital town. Plans formed in England gave way to the exigencies of the new situation; and this was the case all through their history.

Thus Salem was the first town established under the Massachusetts patent. The next was Charlestown, and in this wise. Walford had been there some years, when Graves and Bright, probably with the Spragues, were sent by Endicott in 1629, agreeably to the instructions of the Company, to forestall the intrusion of Oldham under the Gorges patent. Graves was the company's engineer, and went to Charlestown to build the town; and Bright was the minister sent to preach to the people, and presumably to gather a church.

Such was the origin of the first two permanent towns set up on Massachusetts Bay soil; and whatever else may be in doubt, such as the precise time of the separation of communal affairs

<sup>1</sup> Young's *Chronicles of Massachusetts*, p. 13 and note.

<sup>2</sup> *Ibid.* p. 259.

from the more general charter government and their commitment to the town as an organized body politic, it seems to be clear that the choice of their sites, their laying out, the building of their houses, their municipal and religious organizations, whatever they may have been, were by the authority and express order of the General Court, and without the slightest reference, so far as can be detected, to English towns or parishes. And I think the sequel shows that this was also true in respect to all later towns.

I have called these settlements at Salem and Charlestown towns, and such they finally became; but at what time they assumed these communal functions does not clearly appear. They were never incorporated even by giving them names, as was the case with some other towns; and if such naming was equivalent to incorporation, as Professor Parker holds, the omission perhaps implies that they were regarded as already municipal corporations in 1630. The emigrants to both places were entitled to lands by allotment and conveyance thereof under the Company's seal; but no evidence of such deeds, if any were ever made, has survived, nor are there records of such allotments until some years later, though there is ample evidence of private ownership and cultivation as early as 1629, when Higginson came. It is not improbable that Endicott allotted to each party the land to which he was entitled, or for lack of such allotment that each chose for himself as had been agreed that he might.

But neither the people gathered at Salem under Conant, nor the governments set up there and at Charlestown by the Company, constituted a town in the modern sense of that word, and least of all in the sense which has made New England towns famous in history. For a time they were something more than towns, and something less, — something more, since they were centres of the charter government in whose affairs they participated; something less, because they were denied the exclusive privilege of developing their local autonomy. Circumstances determined their final character.

We must therefore widen the basis for generalization, and I now recall the circumstances which attended the settlements in and about Boston Bay.

The first emigration under the Company was led by Endicott in 1628, the second by Higginson in 1629, and the third



by Winthrop in 1630. This last landed at Salem, June 12, and found Endicott's plantation — or colony, as Dudley called it — “in a sad and unexpected condition, above eighty of them being dead the winter before, and many of those alive weak and sick; all the corn and bread amongst them all hardly sufficient to feed them a fortnight.”<sup>1</sup> No marvel that Salem “pleased them not as a place for sitting down”; and five days later (June 17), Winthrop with a party came over to Boston Bay to explore the country. They sailed up the Mystic, and on their return to Salem reported in favor of Medford, as is supposed, for the site of “the town.” A later party preferred Cambridge; and accordingly their people and goods were brought around and landed at Charlestown, because from sickness they were too weak to carry their baggage and ordnance up the river; and from August 23 to September 28, Charlestown was the seat of government.

While in this deplorable condition — fifteen hundred people all weakened by the long voyage, and many sick of fevers and scurvy, without houses or adequate shelter from the sultry heat of August, more trying to Englishmen than the winter cold — news came that the French were preparing to attack them. There are few sadder stories than theirs. In this complication of disasters, not less than a hundred of their number, discouraged at the prospect before them, returned to England in the same ships that had brought them over.

In this exigency of their affairs, too weak to fortify Cambridge against the enemy, they changed their plans, and sought safety by “planting dispersedly,” — some at Charlestown, some at Boston, some at Medford, some at Watertown, some at Roxbury, some at Saugus, and some at Dorchester.<sup>2</sup>

This was in August, 1630, less than a month from their coming into Boston Bay. A month later, September 7, the Court of Assistants “ordered that Trimountaine shalbe called Boston; Mattapan, Dorchester; & the towne upon Charles Ryver, Waterton,”<sup>3</sup> which has ever since been regarded as

<sup>1</sup> Letter to the Countess of Lincoln in Young's *Chronicles of Massachusetts*, p. 311.

<sup>2</sup> Dudley: *Ibid.* p. 313.

<sup>3</sup> 1 Coll. Rec. p. 75. This order suggests two inquiries. If intended as an act of incorporation, as it ever since has been regarded, why was Boston included, and Newtowne, or Cambridge, omitted? It may have been that the Court deemed

equivalent to their incorporation. And thus we see that within three months after coming to shore in a wilderness the Company, contrary to their intention of building only a single town at first, were compelled by circumstances to lay the foundations of five towns, and permit the settlement of three others. And this, I think, is the origin of all later towns,—in the paramount power of the General Court, modified by the circumstances of each particular case. As further evidence of this, on the same day of the foregoing incorporation of Boston, Dorchester, and Watertown, it was ordered, “that no person shall plant in any place within the limits of this patent, without leave from the Governor and Assistants, or the major part of them. Also, that a warrant shall presently be sent to Aggawam, to command those that are planted there to come away.”<sup>1</sup>

What has been said accounts for the origin of Massachusetts towns so far as relates to their planting. If we now look forward six years to the Act of the General Court of March, 1636, we shall learn how their powers were recognized by implication, and what they were.<sup>2</sup>

But I admit that we must go deeper into the matter; for it may be fairly said that the Act of 1636<sup>3</sup> was essentially a recognition of the powers, rights, and privileges already acquired and exercised by towns at that date; and if so, the question

the establishment of the government at Cambridge as an act of incorporation. And it is noticeable that some years after the capital had been transferred to Boston the Court, in 1638, ordered “that Newtowne shall henceforward be called Cambridge,” thus following the precedent in the text (1 Coll. Rec. p. 228).

If the order was intended as an act of incorporation, why was it not expressed in terms, that the inhabitants of the places named should be bodies politic, with all the powers, and subject to all the duties, of like corporations in England, so far as applicable to their situation? As a lawyer, Winthrop knew that a corporation—which the Company was—could not create corporations, that being the prerogative of the crown; and were this prerogative assumed, that it might be an awkward fact, if explanation were demanded, as it was in respect to so many things a few years later. In 1639 Winthrop told what his policy had been,—as little positive legislation as possible; but “to raise up laws by practice and custom,” as involving no transgression of the limitations in the charter. Was this an instance of the application of his good policy?

<sup>1</sup> 1 Coll. Rec. p. 76.

<sup>2</sup> Ibid. p. 172.

<sup>3</sup> It will be observed that this order confers upon towns no powers; it is restrictive. The language is, that the freemen of any town, or the major part of them, shall *only* have power, and so forth. In the Revision of 1660 (p. 195) the law is made positive by striking out “only.”

still remains, What were the origin and development of towns in the form in which they now exist?

What we desire to learn, however, is not by what principle of human nature, everywhere and at all times apparent, it is, that every body of men who find themselves associated with a view to permanent residence in a particular place, after sufficient assurances of not being molested from without, forthwith prepare to meet those communal necessities which arise in all communities; but rather what there was in the inherited or-acquired character or training of Englishmen which differentiated the modes of development and results of their work from that of any other people. If they had kept records of their proceedings from the outset, we should be in a fair way to learn what we desire to know; but it was otherwise: the earliest, those of Dorchester, beginning some time in 1631, though with only a single entry for that year, — a year after its settlement, — and those of Boston not until September, 1634, — four years after its settlement. But the records from what may be called the historic period, though meagre, throw some light upon the antecedent period, and indicate that the first subject which engaged their attention was, as naturally would be the case with all incipient communities, the distribution of their lands and assurance of boundaries and title. Then would follow simple police regulations, and regulations as to roads, churches, and schools. The matters must have been few and simple, for so they remained after they found it desirable to keep records of them.

Now, in respect to the first and most important of these matters, they were not relegated, as all settlers on territory not under a general government are, to mutual agreement, certainly not as to the quantity of land to which each was entitled, for that had been definitely fixed beforehand; nor would the question of quality arise until all desirable lands were taken up. And so we find, after these records begin, that party fences and use of common lands are subjects of most frequent attention.<sup>1</sup>

<sup>1</sup> It would be most interesting to learn precisely how they arranged with regard to these allotments; but their records, if any ever existed, — which is not likely, — have not been preserved. Probably they did the business in a very informal, but apparently mutually satisfactory way; for nothing is said about allotments (and the fact is noticeable) for some years after the first settlements, — in Dorchester, for more than two years after; and in Boston, for more than four.

As has been said, the sites of the town within which allotments were to be made were fixed by the General Court, and the quantity of land to which each party was entitled, by ordinances in the nature of agreements between the Company and the settlers; and all that remained would be for each to receive his allotment by the proper authorities, or, that failing, to select for himself within certain prescribed limits, as he was entitled. And neither in these nor in any subsequent proceedings, whatever difficulties might come, would they find guidance in their experience in the affairs of an English town or parish. The Dorchester records, which seem to be typical, are instructive on this point. For the first three years there are hardly a dozen entries, and these chiefly of the character above described. At the end of their third year they seem to have developed their autonomy so far as to feel the necessity of bringing their action into regular and prescribed methods of procedure. But it is a little remarkable that if they came over as a fully organized English town and church, as some have thought they did, or with only lively recollections of their experience in the working machinery of an English parish vestry, they did not at once put it in operation; or if it be said that for aught we know they may have done so, then it is still more remarkable that after three years' trial of it, a dozen more years of tentative efforts were needed, as is indicated by their votes in 1633, 1636, 1642, and 1645, quoted by Mr. Adams, before they found it meeting the requirements of their situation. No; as their situation and the exigencies of their unwonted life were entirely new to them, so they found it necessary to invent and develop new methods for their satisfactory adjustment. The records of other towns show a similar state of affairs, and the adoption of similar tentative efforts in the development of their autonomies.

But lack of space forbids the present consideration of the many interesting questions connected with the general subject of the origin of towns; and this especially, — how far the conditions of development of towns and town-meeting government in other New England colonies differed — and I think they did not essentially — from those imposed upon them in Massachusetts.

In the foregoing observations I have not attempted to traverse the whole ground covered by Mr. Adams, nor, indeed, have I

confined myself to it; but have spoken chiefly of some matters which appear to me to require a more critical examination than they have yet received, so far as I am aware.

It now remains to say a few words on some points in Mr. Adams's paper; and in order to make clear the matters on which we appear to differ, I will begin with those on which we are agreed. We seem to agree,—

1. That the development of the Massachusetts government, under its charter, was on purely secular lines, and mainly without reference to English precedents or influence;<sup>1</sup>

2. That the Massachusetts towns, neither in their origin nor in their development, have any essential relations to English towns, parishes, or vestries, but were planted by the authority and under the direction of the General Court; and that they regulated their communal affairs and modes of procedure therein agreeably to the requirements of novel subjects and unwonted conditions;

3. That the Massachusetts church, though modelled on the Genevan system in creed, discipline, and mode of worship, rested on a civil and not on an ecclesiastical basis, without independent powers or privileges, but holding all in due subordination to the General Court;<sup>2</sup> and

4. That the Massachusetts land system, or rather titles and assurances of estates, was anomalous, and is not easily to be understood at this day.<sup>3</sup>

<sup>1</sup> I have heard it said, for example, that the Massachusetts Senate and House of Representatives, as two distinct houses, trace their origin back through the two colonial houses of the Magistrates and the Deputies, to the houses of the Lords and of the Commons. The truth is, that the division of the General Court into two houses, sitting apart from each other, in 1643, was owing to a strictly local and even ludicrous circumstance.

<sup>2</sup> Ralph Smith was not permitted to go out to Massachusetts Bay, unless he would bind himself "not to exercise the ministry within the limits of our plantation, neither publique nor private, without the consent and approbation of the government there established by us," and "to submit to such orders as shall be there established." 1 Coll. Rec. pp 37f, 390, as quoted in 9 Gray's Reports, 505.

<sup>3</sup> I yield to no one in admiration for Mr. Doyle's "English in America," but I should not select as an example of his best treatment of colonial subjects the following passage quoted with approval by Mr. Adams: "In New England the soil was granted by the government of the colony, not to an individual, but to a corporation. It was from the corporation that each occupant claimed his right. . . . The New England township was a landholder." This statement overlooks, first, the quite numerous and very large grants of land to leading men in the Colony, either as dividends on their stock, or for eminent services rendered.

Now for the matters in respect to which we appear to differ.

The distinction between "inhabitants" and "proprietors," about which Mr. Adams and Mr. Goodell seem to be at variance, raises a somewhat difficult question which I am not quite sure that I fully understand; but as far as I do, I think there are grounds for Mr. Goodell's *caveat*. Mr. Adams's views respecting the origin, development, and autonomy of Massachusetts towns differ so widely — and in my judgment, for the better — from much that passes for history, that I am inclined to accept them not only as a valuable contribution to the studies of the subject, but as generally sound; and yet, if I may dissent from some of his positions, — and that, I suppose, is what I am here for, — I should put some things a little differently from what he does, or at least use a different nomenclature. For example, I do not perceive the analogy which he perceives between the General Court and Court of Assistants on the one hand, and the "inhabitants" and "selectmen," on the other, in respect to the subjects, or to the modes of their action severally, — certainly it was not institutional; nor do I

Secondly, it overlooks the orders of the Company in England to Endicott at Salem, for the conveyance to individuals, as they were entitled, of lands by the Company's deeds under seal, and, as I think, that all titles, whether by deed or allotment by the Company, or by its agents, — which, as I conceive, were the towns *pro hac vice*, — were holdings from the Company and not from the town. In no just sense were the towns landholders; that is, they neither bought nor sold nor leased lands; nor, save some common lands, did the towns hold them for community use. In strictness of law, the towns not being legally incorporated bodies politic, — for then, as now, one corporation cannot create another corporation; that being a prerogative of sovereignty, — they could not take, and therefore could not make, title. Those proceedings were, as I have said, anomalous, and hard to understand. Nevertheless, whatever they wished to do they found a way of doing in sublime disregard of English law and usages. Doubtless, the General Court said from time to time that certain towns should "have enlargement," or that, lands should "belong" to them, and it is also true that the towns held such lands, some of which they distributed by allotment, and others held for common use, and that these titles are now good, but on what theory, unless that of long possession, as the colonists claimed in Andros's time, it is difficult to understand. It would seem, however, that all land-titles to-day within the limits of Massachusetts Bay rest upon conveyances in some way from that Company; but there can be no question that the control which the towns, whether owners in fee, or implied agents of the great Land Company, exercised in their distribution, had great influence in developing and forming the character of their autonomy. And in this aspect of the matter, Mr. Doyle undoubtedly well says, that "of the various rights of the New England township the most important, perhaps, was the territorial."

think that "freemen or inhabitants" are interchangeable terms equally descriptive of the same class of people; nor that "the inhabitants of the towns were those owning lands, — the freeholders, — who were all members of the congregation"; nor that "inhabitants" of towns "were in the nature of stockholders in a modern corporation." To me these and some similar expressions convey ideas foreign to the homely simplicity of those early people and the nature of their affairs. As I have said, the difference between us may be one merely of nomenclature; but my way of putting the matter is this, — and of course I prefer it to Mr. Adams's way: —

My idea of a seventeenth-century Massachusetts town is, that it was almost exclusively an agricultural community, having little or nothing to do with manufactures except of the simplest kind, or trade, or with anything in which "stock" could be taken. Beyond assurance of their own lands, and of their interest in common lands, the just levy and economical expenditure of communal taxes, the education of their children and the care of their souls, their interests, wants, and desires were few and of the simplest kind, and will not bear being raised by the imagination;

That the term "inhabitant" included all male adults who, either by general laws or town regulations, were permitted permanently to reside within the town limits, irrespective of their ownership of lands;

That the whole body of people within a town consisted, first, of those who had been admitted freemen of the colony; secondly, of those who by original voluntary association or by subsequent vote express or implied, had become permanent residents; thirdly, of that miscellaneous class of people who, as servants and laborers, were mainly adjuncts to families and had little stake in society; and lastly, all other persons, as women and children, not usually reckoned as members of the body politic of a town;

That in the early years of towns, as their records indicate, the first three classes above mentioned, without strict regard to their several rights, assembled "in general meeting of the inhabitants," and there, without much formality in their proceedings, disposed of their few and simple communal affairs; but as these became more complicated or of greater magnitude, the legal rights of these several classes were more

sharply defined and strictly enforced. The freemen, legally inhabitants of the town, were the sole electors of all colonial officers, deputies to the General Court, and voters on questions of a public nature as distinct from those merely communal; and though there seems to have been no uniform rule or practice in all towns, that which appears to have been most common was for all adult inhabitants, whether freemen or landholders or otherwise, to vote on all questions of communal affairs; and this was made law in 1641.

And with this simple array of their forces, these towns, unique in their origin, lacking essential experience of like circumstances, and without ecclesiastical interference or restraints save those imposed by the General Court, after a few years learned to manage their municipal affairs with such wisdom and success, that in the course of time they so enlarged their views, but without overstepping the bounds the law had set up, that they became a power which modified the action of the government, and in the fulness of time most effective agencies in the dismemberment of the empire, and so famous throughout the civilized world.

Dr. EDWARD CHANNING spoke in substance as follows:—

In response to the kind suggestion of Mr. Adams I have come here to-day to listen to him and to Judge Chamberlain, and I had hoped to our absent associate, Mr. Goodell. It is a pleasure to sit at the feet of these men; and were it not for the further suggestion that I should say something on my own behalf, I should be well content to remain silent. Indeed, to those of you who have heard what these masters of history have just said it might well appear to be a hopeless task to justify the theories and methods of work of what has been termed here the New Historical School. Judge Chamberlain has very kindly grouped me with Prof. H. B. Adams of Johns Hopkins University, the late Prof. Alexander Johnston of Princeton, and Mr. John Fiske, as leaders in this new and apparently vicious historical school. I say “apparently,” because I do not know exactly why I am condemned with Herbert Adams or Alexander Johnston or John Fiske. I admire their motives, and honor the care and scholarship they have given to their respective tasks. If the line which separates us from the “Old Historical School” is the fact that we



of the "New" base our theories on the records, while the older writers copied one from the other,<sup>1</sup> I am well content to belong to the New School. But many men deserve places higher than can be given to those named above. I should place our lamented leader, Mr. Charles Deane, at the head of the school; and next to him would come our associates, Mr. Winsor and Mr. Charles F. Adams. If, however, the line which separates the New School from the Old is that the members of the former believe in the theory of the continuity of English and American history, there are many men who deserve to be known as leaders equally with the above. For example, Professor Freeman, in his "Introduction to American Institutional History," advances this theory; so too does Prof. James Bryce, in his "American Commonwealth," from which I extract the following:—

"The northern township is an English parish, a parish of the old seventeenth-century form, in which it was still in full working order as a civil no less than an ecclesiastical organization, holding common property, and often co-extensive with a town. The town-meeting is the English vestry, the selectmen are the churchwardens, or select vestrymen, called back by the conditions of colonial life into an activity fuller than they exerted in England even in the seventeenth century and far fuller than they now retain. In England local self-government, except as regarded the poor law, tended to decay in the smaller (*i. e.* parish or township) areas."<sup>2</sup>

Other leaders are Professor Howard, the author of "American Local Constitutional History," and Professor Ashley of Toronto, whose "English Economic History" has attracted much attention. With them, too, should be classed Mr. Adams himself; and I am afraid even Judge Chamberlain is catching the taint of infection. I am perfectly willing to be classed with these men; for it is a leading principle of these modern students of American history, that each student is entitled to his own opinion, provided it is based on careful and prolonged investigation; and it is a further principle, that when further research convinces a man that he has erred, his change of opinion shall be received with respect. Now, these modern students do not agree among themselves. For example, as will appear later, I cannot accept Prof. H. B.

<sup>1</sup> "The historian of the New School, distrusting second-hand authorities, resorts to original records." <sup>2</sup> Proceedings, vol. v. p. 265.

<sup>2</sup> American Commonwealth, vol. i. p. 583.

Adams's "Germanic theory," nor Professor Johnston's "Primordial-germ theory," nor Mr. Adams's "Massachusetts Charter theory." But I can and do respect these men, and all the rest, for the labor and thought they have given to the work, and I esteem it a great privilege to win their respect even while disagreeing with them.

The method pursued by these modern writers is the *true* historical method; hence the name of their school should be the True Historical School, in place of the New Historical School. The true historical method consists in the examination of original records and other contemporaneous sources, and in generalizations based on such research. Where the generalizations are based on a sufficient number of records, the method is the best which has yet been devised. In every way it is preferable to the old historical method of copying the work of other historical students. In their search for truth these students have gone beyond American history, as it is usually understood, and have made use of their knowledge of the history and institutions of the English-speaking race before the colonizing of America. One great result of this study has been the application of the theory of the continuity of history to the elucidation of problems of especial interest to students of American institutions, as that phrase is ordinarily used. It seems to me that this theory of the continuity of American and English history is in itself a correct theory. The history of the English in America since the founding of the English colonies cannot be divorced from the history of the English in England and Germany before that period. There are no sudden breaks in the history of the English race, no well-defined periods separated one from the other by definite bounds. John Winthrop, in coming to America, did not cease to be an Englishman. The connection between the Puritans in England and America was close. John Hampden and John Winthrop were joint executors of Isaac Johnson's will, and there was a constant current of men to and from England and New England. The younger Vane, Sir Richard Saltonstall, and Hugh Peter are leading examples of this interchange of men and ideas. American writers have written the history of Massachusetts entirely apart from the history of Puritan England, as well as of the England which preceded the exodus to America. They have also written the history of America after the Restoration as something apart from the history of Eng-

land of that time. Some of them have even attempted to discover the origin of American institutions without first gaining a knowledge of English institutions. By so doing they have fallen into grievous errors; and the employment of this faulty method by the older writers is one reason why the history of Massachusetts remains to be written.

Historical students are accustomed to divide history into periods, for convenience' sake. For example, we speak of Mediæval History and of Modern History, as if they were things entirely apart. As a matter of fact, it is impossible to say when one begins and the other ends. In a similar way we speak of the Middle Ages, as to the beginning and end whereof few scholars are agreed. This theory of the continuity of history applies with especial force to the history of institutions, as institutions are of very slow growth and are rarely invented, but almost always evolved from something which went before. True as this is of institutions in general, it is especially true of English institutions in particular, as the English race is wonderfully conservative, and clings to the old oftentimes simply and solely because it is the old, though sometimes it holds fast to things antiquated and obsolete because such holding fast is convenient. But theories, however good they may be in themselves, are oftentimes pushed to extremes; and it seems to me that the advocates of the Germanic origin of New England towns have pushed the theory of the continuity of history farther than the facts in the case will bear.

In a general way it may be correct to speak of the Germanic origin of our institutions. In a general way, too, it would be correct to speak of the Romanic origin of our institutions, and undoubtedly it would be still more correct to speak of the Romano-Germanic origin of American institutions. Perhaps the germs of our local institutions may all be found some time in those old communities living in the German forests so long ago; but they have not yet been found there. Let us apply to the facts as now stated the tests of historical criticism, as we, students of American history, are accustomed to apply them in our study of early Massachusetts history.

Certain things, as, for example, a collection of houses enclosed by a paling like that of Newtowne,<sup>1</sup> have been found in early Massachusetts and in the Germany of the pre-migration

<sup>1</sup> See *ante*, p. 193

period. As we are descended, in part at least, from some of those old Germans, it is concluded that in the German "tun" we see the origin of the New England town.

This theory demands two things: first, a correct knowledge of an old German social organization; and second, some historical connection between the institutions of the pre-migration German and those of the early New Englander. I think the advocates of "the Germanic theory" have made out their case on neither of these points.

Our knowledge, such as it is, of the early Germanic institutions is derived from a few sentences in Cæsar's "*De Bello Gallico*," and from a longer and more detailed account in the "*Germania*" of Tacitus. These two descriptions were written about one hundred and fifty years apart. In them a race is described in two very different stages of development. From them we can obtain, under the most favorable interpretations, only the most vague and unsatisfactory idea of the institutions of that ancient folk. Nor are scholars agreed in their interpretations of some of the most important passages. It really makes little difference, however, which of these interpretations is the correct one; for there is no reason, so far as I can see, to accept either or both of these accounts as affording a true picture of early German life. Cæsar was never in Germany under circumstances which gave him a chance to see the Germans as they really were; Tacitus probably acquired his information at second-hand. Unless these accounts are confirmed by independent authorities, they afford very insecure foundations for the elaborate theories which have been built upon them.

Students of Germanic institutions, recognizing this fact, have attempted to make them more secure in two ways: first, by explanations derived from *Lex Salica*, *Lex Baiuvariorum*, *Lex Frisionum*, and other of the *Leges Barbarorum*. These codes are written in barbarous Latin, and were compiled after the Germans had been subjected to Romanic influences, in some cases for considerable periods of time. How long it is impossible to say, as we cannot in any one case ascertain accurately when the Romanic influence began. At all events, these codes do not show us Germanic society as it was before the Migrations; and to interpret Tacitus by the aid of *Lex Salica* or *Lex Alamannorum* seems to me like interpreting that record of 1633 in the Dorchester town records in the light of Freeman's "*Town Officer*," published in 1793.

The second way of elucidating and confirming these accounts of Tacitus and Cæsar consists in comparing them with and explaining them by the customs and institutions of German towns of our own day. For example, one writer takes his reader to the Black Forest towns, and explains to them what he sees there by the aid of the "Germania." These Black Forest towns are most interesting places to visit. Indeed I always advise students who consult me as to a good route for a vacation trip to Europe to walk through this charming region. But there is no evidence that these towns are now as German towns were in the time of Tacitus. On the other hand, there are reasons for supposing these towns to be of Mediæval origin. Furthermore, they are situated on the Roman side of the Vallum Hadriani, or Devil's Wall of our German forefathers. From this trans-Rhenish country the Romans were driven, as they were driven from other portions of Western Europe. But this is the precise bit of trans-Rhenish Germany where, if anywhere, one would expect to find traces of Romanic influence. Be this as it may, the method itself is wrong. Grant that these towns are of the purest German origin, and in every way answer to the description of German towns of the second century, does not this fact tend to show that Tacitus was describing something which did not then exist? If, however, as is more likely, these towns were of Mediæval origin, they were based partly on Romanic institutions. The more closely they correspond to the communities described in the "Germania," the more evident it is that what Tacitus described in that work was not a pure German community at all, but a community whose ideas and institutions were partly Germanic, partly Romanic.

It may be said that the village-community theory of Germanic institutions is the accepted theory of scholars, and those who seek its overthrow must prove their case, — that the burden of proof is on them. Now, I am not trying to disprove this theory. I am merely insisting that it is nothing more than a working hypothesis; that it is in itself something which has not been proved, and therefore is a very poor basis on which to build an elaborate superstructure. When the students of Germany before the Migrations produce first-rate proof of their assertions, it will be time enough for us to trace our institutions back to that time and place and folk.

But supposing, for the moment, that Tacitus described

Germany as it really was in his time, and supposing, further, that the interpretation placed upon his work by Von Maurer and his followers is the true interpretation,— can we trace these institutions from Germany to England, and through England to New England? It is hazardous to say that a thing cannot be done; but, as a matter of fact, this thing has not yet been done, although very competent students have given vast amounts of time and labor to the task. That this should be so is not remarkable; for we have no written contemporaneous accounts of the conquest of Britain by the Jutes, Angles, and Saxons. The earliest written accounts which have come down to us were compiled long after the conquest, and after the conquerors had embraced the religion of the conquered. So here again there is a gap, and the process of reasoning from analogies must again be relied on. In this way many things in the England of Edwin and Alfred are found to be similar to things described in the “Germania.” Now, no one knows how much of the English institutions of the period of the Wessex supremacy are of Germanic origin, how much of Romanic origin, how much of Keltic origin. Some students of English history declare that the Romano-British or Keltic civilization was swept away by the conquering Germans; that Romano Keltic institutions perished utterly from the land as far as the conquerors conquered, and were wholly replaced by Germanic institutions. This sweeping away of a civilized folk by an uncivilized folk is improbable on the face of it. Elsewhere, so far as we know, the Germans did nothing of the sort. Then, too, there are certain institutions which are in existence in England at the beginning of England’s recorded history which can be accounted for on no other supposition than that they survived the English conquest. At all events, Roman civilization soon again asserted its power. This time it came in the form of the Christian Church. So great was its influence that the supposed Germanic townships disappear, and in their places are found parishes, or divisions of the former kingdoms, — now shires. What there was of local government was taken care of by these parishes, except where feudal institutions overwhelmed them. The Church became paramount in local concerns. In this way English local government must have been largely influenced by Romanic ideas, if it were not partly Romanic in its origin. It follows, therefore, from this that the more accurately the local institutions of the England of recorded

history fit the description of Germany by Tacitus, just so much more it is evident that what Tacitus described in his "Germania" was, as stated above, a Romanized Germanic village community.

Starting out with the English local organization of the epoch of written English history, whether Germanic or Romanic or Romano-Germanic, it is by no means an easy task to trace those institutions through the intervening years until the Puritan conquest of New England. In the first place, there were the Danes. They came to England, and settled down in the northern and eastern parts, driving the English before them, or at all events conquering them ; and the Wessex kings could not drive them out, but were obliged to confirm that part of England to them. It so happens that it was in these same eastern counties that Puritanism obtained its strongest foothold, and it is from them that many or perhaps most of the ancestors of our New England families come. It follows from this that in all probability many, if not most of us, strike our roots, or at least a large part of them, in the rocky soil of Scandinavia and the Islands, and not in the marshes of the Elbe and the Weser. Now, the dividing line between Angle and Jute, on the one hand, and Dane and Northman on the other, is by no means an easy line to discover. Perhaps there was no dividing line. The languages and institutions of these folks were very similar. Indeed, their origins may have been the same, and we may class them all as Germans. But whether like or unlike the conquered English, these Northmen were of as sturdy and institution-creating a race as the English. It is most probable that much we call English is due to the Danes and other Northmen. In fact, this early Danish conquest of Northern and Eastern England was, to all intents and purposes, a re-Germanizing of that part of England. But it is not of these Danes that most writers are thinking, when they speak of the Germanic origin of English institutions.

Thus English institutions of the time of the Norman conquest were of Keltic, Romanic, Germanic, and Scandinavianic origin ; and if we could trace our institutions back to the England of that time, it would be proper to speak of the Keltic-Romanic-Germanic-Scandinavianic origin of New England towns. But it is by no means clear that we can do even this ; for the Norman conquest must have affected to some degree

the local organization of England, and the Angevin coming was in reality a French conquest of England. French ideas, or Frankish ideas, very deeply overlaid with Romano-Keltic civilization, now replaced Keltic-Romanic-Germanic-Scandinavianic-Norman ideas of the time of Henry I. Some of the old local liberty was recovered, no doubt, during the time of John and his son and of the Hundred Years' War. On the other hand, much of this regained liberty must have been lost during the anarchy of the Wars of the Roses. So it seems that in many ways England took a new start during the Tudor period, not merely in the ways that we associate with the Reformation, but institutionally as well; though, perhaps, most of the new ideas might be traced directly to the Reformation.

It is impossible, therefore, to trace Germanic institutions through English history from Germany to New England. We must take England as we find it at the close of the Tudor period and during the reign of the first Stuart. It was during the years 1588-1630 that our Puritan founders were gaining their political education. It is the England of that time that those who would seek the springs of our national life must study, and not the England of the sixth century. Just so far as we can trace an institution back from Puritan England to Germany, Scandinavia, Rome, or early Britain, just so far can we speak of the Germanic, Scandinavianic, Romanic, or Keltic origin of New England institutions.

Recognizing the impossibility of thus tracing our institutions, the advocates of the Germanic-origin theory argue from analogies. The danger of such a mode of argument may be seen by its results as above noted. Mr. Adams and Judge Chamberlain have dealt so fully with this part of the subject that it would be useless for me to say anything. Certain things, such as defensive palings, etc., seem to belong to certain environments and to certain stages in racial development. The argument that because a New England town and a German village were each surrounded by a defensive wall, the one is descended from the other, proves too much. A similar line of argument would prove the origin of New England towns to be the Massai enclosure of Central Africa or the Rome of our school-boy days.

Mr. Adams and Judge Aldrich and Judge Chamberlain have so fully disposed of the "primordial germ" theory of the "Connecticut School," that I will do no more than add my voice



to the chorus of condemnation. Our towns were of legal origin, and our State was of legal origin. As subjects of the King of England, the people of Plymouth, Rhode Island, and Connecticut were legally and constitutionally entitled to govern themselves, until the king made some other disposition, or sent a governor of his own to govern them. The Connecticut towns enjoyed no rights except what they enjoyed under the crown. All power in Plymouth or Connecticut was as surely from the crown as was the power of towns in Massachusetts, or of parishes in Virginia from the crown. The theory that an Englishman, coming across the water, placed himself outside of the English Constitution is entirely without foundation. So long as he enjoyed protection, he owed allegiance, and so long as he owed allegiance, he was subject to the English Constitution, whether in Providence or London.

Nine years ago, in an essay on the origin of local government, I used these words: —

“The exact form which the local organization of each colony should assume, depended on (1) the economic conditions of the colony; (2) the experience in the management of local concerns which its founders brought from the mother-country; and (3) the form of church government and land system which should be found expedient.”

On page 8 of the same essay I stated, in explanation of the second factor in this development, that “this education was acquired at the town council, the county court, and the parish meeting.” As there was no account of the English town or parish system of the later Tudor and earlier Stuart period in existence, I included a brief account of that institution in my essay. Toward the end of that paper I said that both the Southern parish and the New England town were “survivals” of the English Common Law parish of 1600. Since writing that paper, I have twice gone over the same ground, and do not find myself in a position to change or to modify the opinions then expressed, except that perhaps I should now use the word “representative” instead of “survival.”

It has been stated elsewhere<sup>2</sup> that English writers are not agreed as to the origin of the parish, and extracts have been given to show this. The first authority cited on this point is “Brande.” The name was unfamiliar to me. But after looking in the bibliographies of English local history without meet-

<sup>1</sup> Town and County Government, p. 1.

<sup>2</sup> *Ante*, p. 221.

ing it, I looked on the titlepage of the book itself, — “A Dictionary of Science, Literature, and Art.” It appears that “William T. Brande, Professor of Chemistry,” was the editor-in-chief, and he had the assistance of a small corps of specialists. The article on “Parish,” however, is not signed. It seems to have been compiled from Joseph Bingham’s “*Origines Ecclesiasticæ*.” The first part of this work was published in 1708; the second part, containing the matter here noted, was published in 1711. Brande’s “Dictionary of Science” was published in 1842. The passage quoted by our associate is as follows:—

“[Parish.] Probably an ecclesiastical division of a town or district subject to the ministry of one pastor. In the earliest ages of the church the *parochia* was the district placed under the superintendence of the bishop, and was equivalent to diocese. It denoted, says Bingham, not only what we now call a parish church, but a city with its adjacent towns or country regions.”

The last sentence is extracted from Bingham’s “*Origines*,” vol. iii. p. 513, ed. of 1711. As an authority on the subject of the origin of English local institutions, I am informed that Bingham, chemically interpreted by Professor Brande, is absolutely worthless, — is, in fact, no authority whatever.

The theory of the “secular origin of the parish” is thus stated by Toulmin Smith:—

“An examination of the most authentic records shows that the parish is the original secular division of the land.<sup>1</sup> . . . There can be no doubt that either the name parish has become substituted for that of tithing (if the latter was ever used territorially) to express the same division of the land, or the division of the tithing has given way for precisely the same purposes to the one which we now call Parish.”<sup>2</sup>

In a note he adds that “tun” (town) is the old name for “tithing.” Unless I am very greatly mistaken, what Smith had in mind was that the original secular division of the land was the tithing, town, or “tun,” and that the Parish was the tithing, town, or “tun” under another name. This certainly is the interpretation which has been placed on this part of his argument by the leading writers. For example, Bishop Stubbs, who, by the way, is better authority on these subjects than

<sup>1</sup> The Parish, p. 15.

<sup>2</sup> Ibid. p. 16.

the chemical Brande or the antiquated Bingham, gives Smith's "Parish" as one of his authorities for the following description of the origin of the parish:—

"The historical township is the body of allodial owners who have advanced beyond the stage of lord-community, retaining many vestiges of that organization; or the body of tenants of a lord who regulates them or allows them to regulate themselves on principles derived from the same. . . . In a further stage the township appears in its ecclesiastical form as the parish.<sup>1</sup> . . . In small parishes the idea and even name of township is frequently at the present day sunk in that of the parish; and all the business that is not manorial is despatched in vestry meetings."

In another place, in speaking of tithing, Stubbs says it is quite possible that the name itself as well as the functions merged in those of the township. Again he reiterates the fact that "the parish then is the ancient *vicus* or tun-scipe regarded ecclesiastically"; and finally he says that the township represented the principle of the mark, and formed "the basis of the parish."

The Hon. Arthur Elliott, whose description of the parish *as it exists at this moment* is the best we have, follows Smith and Stubbs when he says: "In its origin the parish was probably framed on the township."<sup>2</sup> Still another recent writer, Laurence Gomme, author of "Primitive Folk-moots" and a master in this field of study, says: "The township under its ecclesiastical name of the parish has become the administrative unit of the state machinery."<sup>3</sup> On another page he says: "It is very important to bear in mind the original secular as well as sacred position of the parish church."<sup>4</sup>

As to the secular character of the parish officers, Toulmin Smith, in the following "admirable" (according to Gomme) sentence, thus expresses his view: "Churchwardens are secular officers . . . They have many important duties, — the greater part of which concern matters that have nothing at all to do with the church."<sup>5</sup> The same idea is expressed

<sup>1</sup> Constitutional History of England, vol. i. p. 85.

<sup>2</sup> Church and State, p. 55.

<sup>3</sup> Literature of Local Institutions, p. 200.

<sup>4</sup> Ibid. p. 213.

<sup>5</sup> Smith's article on the Church Rate Question, 1856, quoted by Gomme, Literature of Local Institutions, p. 214.

more strongly still by Stubbs in the following extract, which is also interesting as showing Stubbs's idea that the vestry, parish meeting, and town gemot are descended one from the other: —

“In the vestry meeting the freemen of the township, the rate-payers, still assemble for purposes of local interest, not involved in the manorial interest; elect the parish officers, properly the township officers, for there is no primary connection between the maintenance of roads and collection of taxes and the parish as an ecclesiastical unity, — the *churchwardens*,<sup>1</sup> the way wardens, the assessors, and overseers of the poor. . . . The vestry is the representative of the gemot, with which it was once identical.”

There is therefore as complete accord between Smith and Stubbs, Elliott and Gomme, as could with any fairness be expected, considering the great advantages in the way of material enjoyed by the latter. Smith broke the way for the student of English local history, and produced a book which after the lapse of thirty years is still declared to be “the most important book” on this subject by one of the very best judges.<sup>2</sup> It is seldom given to a pioneer to achieve so large a measure of success. Nor does it detract from the merit of the work in my eyes that it was written with a view to securing a return to the method of local self-government enjoyed by the English at the time of the Puritan Emigration. On the contrary, it seems to me that the aim was one which should appeal to every New Englander. Apart from this, however, the book is invaluable as containing records extracted by Smith from the originals and still unpublished. I have verified hundreds of his references, — all that I could verify relating to my subject, — and it should be stated that Smith was more accurate in his quotations than was usual at the time he wrote.<sup>3</sup>

It makes no difference to us whether the theory of the secular origin of the parish is correct or not. It is held by all the leading writers on the subject, though, as above pointed out, it does not seem to me that we have yet enough data to make any sound generalization on the early institutional history of England. What does concern us is the secular character of

<sup>1</sup> The Italics are mine.

<sup>2</sup> Laurence Gomme, *Literature of Local Institutions*, p. 227.

<sup>3</sup> For a further estimate see Town and County, p. 9, note 1.

the parish in 1600-1630. It should be stated, perhaps, that so far as the records show, the Canons of 1603 made almost no difference, — it had been the custom in many parishes for the parson to appoint one warden for many years. The Canons of 1603 were never legally binding, as they were never confirmed by act of Parliament. It should also be noted that Laud had nothing to do with the ecclesiastical government of England until later, — as indeed our associate points out.

Without writing an essay on the subject, I wish to enforce what Smith and Stubbs have said as to the secular nature of the churchwarden's office, and in doing that to show the nature of the functions discharged by the parish. In reading this statement it should be borne in mind that the churchwardens are the administrative officers of the vestry, and that the vestry was the common or open vestry or parish meeting of all the parishioners. I take the following particulars from the Churchwarden's Accounts of Tavistock. Let us take the payments for one year and divide them into two classes, — payments for religious objects and payments for secular objects. The year selected is 1605, and it is selected simply because it was a year of profound peace. The churchwardens of Tavistock in that year paid out seventy-one pounds sterling, divided as follows: for religious objects; for lifting the fourth bell; for the expenses of the visitation; for the parishioners not wearing caps on Sundays; for repairing graves; for mending the leads. The items for secular objects are much more numerous, as follows: —

“ For drawing of stones to the East Bridge, for carrying home the moore stones for the East Bridge; carrying of stones to the East Bridge, and for earth for the same; for the removal of the rubble from the higher market house and from the church bridge; for a new coat for William Jane; for mending the East Bridge; to J. Arthur the cobler, to go to Lamerton with a vagrant person; for keeping clean of the church armor; for mending the pavement of the church bridge; for wood which was burnt at the coronation day; for the relief of the town of Otterye; for mending the cage.”<sup>1</sup>

Other entries in these records seem to point to a system of public education in the parish, as for example: “ Paid Mr. Clearke the schoolmaster for one quarter year's teaching.”

<sup>1</sup> Tavistock Churchwarden's Accounts, 1605-1606.

This is under date of 1629-1630. These accounts are not given in full by the editor; but it appears that there was a public school as early as 1588, for in that year "John Drake, the schoolmaster, for teaching in the Grammar School," was paid twelve pounds, and "Nicholas Watts, for teaching of the little children," was paid four pounds. There was also a parish schoolhouse in 1588, because in that year nine pence was paid "for a chain and setting in thereof for the fastening of the Dictionary in the Schoolhouse." In 1657 a great deal of work was done about the schoolhouse; but whether in the nature of repairs or in the building of a new house cannot be stated.

The parish was also the unit of the military system, every parish being required to keep on hand certain arms and equipments, and to provide when necessary the soldiers to use them. The Churchwarden's accounts show how this duty was discharged. For instance, in 1627-1628, the churchwardens of Tavistock paid five pounds for powder and match, and ten pence for a satchel to carry this powder in; and also paid the trained soldiers who went on service to Plymouth one pound two shillings, and the church armor was cleaned every year. I will close this exemplification of the secular nature of the Churchwarden's office with the following entry as to the choosing a committee to take charge of the poor, long before the Act of 43 Elizabeth. The date is 1585, and the words used are interesting: After giving the names of eight persons, the record proceeds to explain that these men were "selected and chosen the eight men by general assent and consent of the parish of Tavistock, to be Supervisors and dispensators to and for the behoof of the poor people of said Church and parish."<sup>1</sup>

No conclusion can be based on the records of one parish; but when the records of a dozen parishes scattered over England agree in certain points, and show furthermore that the parish was doing what the law required of them, this agreement is a good basis, it seems to me, for a theory as to the actual state of affairs in the English early seventeenth-century parishes. I hope at no distant day to lay the results of this study before the Society.

The relative importance given to the influence of government and to the influence of inherited or acquired experience seems to be the precise point on which my friends, Judge

<sup>1</sup> Calendar of the Tavistock Parish Records, p. 92.

Aldrich, Mr. Adams, Mr. Goodell, and Judge Chamberlain, and I join issue. Perhaps the reason why I assign so little importance to the governmental organization is because my researches, extended far beyond the limits of Massachusetts, have convinced me that the differences in the local organizations of the North and South can be easily accounted for by the different economic and social conditions ; and furthermore, it may be stated broadly, I think, that, leaving out the influence of the central government and of the ecclesiastical organization, except as the latter affected the social fabric as distinguished from the political fabric, the local government of Massachusetts and Virginia would have been precisely what it was in 1760 ; for the two leading factors were the environment and the experience of the managers of the enterprise. Economic conditions prescribed the settlement of Virginia in a certain way, and legislative enactments were not able to overrule her destiny. In Massachusetts the environment of the colonists prescribed an entirely different mode of settlement ; and Massachusetts has marched along the lines then laid down, regardless of changed governments and religions. There are natural laws governing the relations of man with his fellow-men as surely as there are natural laws governing the flow of water. Against these natural laws legislative enactments are powerless ; so, too, are traditions and experience acquired under other conditions of environment. But experience and legislative enactments determine, to a great extent, the early form of colonial institutions. In Massachusetts experience seems to have been the determining cause, and the legislature seems to have accepted the form dictated by experience. All this is directly opposed, on the face of it, to Judge Aldrich's and Judge Chamberlain's view.

Judge Chamberlain has said that we have "the lading of the ships in which they came," and that "we nowhere find mention of Magna Charta, the British Constitution, the Petition of Right, or English institutions."<sup>1</sup> I have never seen the bill of lading of the "Arbella," for example, and therefore cannot state accurately that they did bring these things. But what was the English Constitution ? Who knows ? I for one do not know what it was in 1630 ; but it included within its broad fold Magna Charta, the Petition of Right, and English

<sup>1</sup> 2 Proceedings, vol. v. pp. 267, 268.

institutions. It is one of those things I should not expect to find on a bill of lading. The English constitution consisted in the statutes of Parliament and the customs of the realm. It would have been impossible to have brought these in the "Arbella." But I make no doubt that in that fleet there were books containing Magna Charta, the Petition of Right, and other important statutes. Probably also there were treatises on the Constitution, such as Coke's Institutes, — a second edition of which came out not long before the "Arbella" sailed. Then, too, there were probably in the libraries of the founders of the colony books like Lambard's "Justices" and "Constables," treating of the duties of various officers which the Company appointed almost as soon as they reached the shores of the new home. Copies of these books, which were in New England at an early day, are still to be seen in our libraries.

But whether they had these documents or not, the English Constitution followed them. In those days of inalienable allegiance one could not shake off one's nationality as a dog shakes the water from his coat. Furthermore, there is no evidence to show that our forefathers wished to do anything of the kind. Their land was granted from the crown; they were in enjoyment of the protection of England, and hence enjoyed as much of the common and statute laws of England as was applicable to their circumstances. By their coming hither with a license from the king to found and govern a colony, they brought with them as part of themselves the English Constitution. It was not necessary, therefore, to mention the Constitution of England in the bill of lading of the "Arbella." But apart from the constitutional view of the case, is it reasonable to suppose that a leader of the Massachusetts Colony divested himself of his experience as an Englishman when he left England? Let us take John Winthrop as an example. So far as I have been able to discover, John Winthrop was regarded as a most valuable acquisition to the Massachusetts enterprise. He himself says that, "in all probability, the welfare of the plantation depends on my assistance; for the main pillars of it, being gentlemen of high quality and eminent parts, both for wisdom and godliness, are determined to sit still if I desert them."

Winthrop was a man of skill and experience in the management of affairs; shall we suppose that when embarking on the "Arbella" he divested himself of his political skill and experience, as one takes off one's overcoat? It is true that his expe-



rience was probably not mentioned among the contents of the "Arbella." But John Winthrop was mentioned, and the name "John Winthrop" must be held to have included not merely his physical body, but his talents and experience; and so with Ludlow and the rest. And when they settled here they applied their experience to the problems which confronted them in their new homes, as they had applied it to the solution of the problems which arose in the old home. For example, many of them had been Justices of the Peace in the old home. One of the very first things the leaders of the enterprise did was to establish the system of justices of the peace bodily in Massachusetts as it then existed in England, by the following vote passed at the first Court of Assistants held in Massachusetts, August 23, 1630: —

*"Ordered, That the Governor and Deputy Governor for the time being, shall always be Justices of the Peace; and that Sir Rich: Saltonstall, M<sup>r</sup> Johnson, M<sup>r</sup> Endicott, and M<sup>r</sup> Ludlow shall be Justices of the Peace for the present time, in all things to have like power that Justices of the Peace hath in England for reformation of abuses and punishing of offenders."*

This last clause really gives us no information that the student of institutions does not possess from a careful study of the subject. For we see by a study of the records that at first the magistrates or some of them exercised the same powers that justices of the peace exercised in England. So in like manner the student finds that in their management of town affairs, so far as the problems here were the same as the problems solved in England, they managed their town affairs here as they had done in England. This is hardly to be called reasoning from analogies, because in the case of one town at least (Dorchester) there is scarcely a break in the chain of historical evidence. Where the records are silent and we cannot fill them from other sources, the advocates of the continuity of institutional history have as much right to reason from analogies as the student of the older historical school has to argue from imagination.

There is a gap in the history of the settlement of Massachusetts which I hope may sometime be filled, as I feel confident that a search in the parish chests and other local deposits of documents in England will reveal information on these points.

We really know very little of Massachusetts from the signing of the agreement at Cambridge on August 29, 1629, to the year 1635, when the local records become abundant. In the summer and autumn of 1629 the plans of the Massachusetts colonists seem to have undergone a complete change, or it may be that old plans which had been for a time suspended were now brought forward and put into execution. From the statement in Winthrop's "Essay in Vindication of Massachusetts" from the charge of being an arbitrary government, it would seem that even when the charter was procured it was designed to establish the government of the Company in the colony precisely as was afterward done. At all events in the summer and autumn of 1629 it was determined to found a self-governing (under the Crown) colony in Massachusetts in place of the colony which had up to that time been governed from London as former colonies had been governed. There must have been many conferences as to land-holding and local self-government in the New World of which we now have no information. It is not conceivable that men like Ludlow, Johnson, and Saltonstall and their followers should have sold a large part of their property in England and embarked for Massachusetts without some guaranty as to their lot in the colony. Probably there was much correspondence which is not now known, and there may have been agreements between the Company and bands of colonists which were entered on the record or placed among the files of the Company but have never been printed. It seems susceptible of proof that Ludlow, Warham, and Maverick with their followers came over here expecting to live together, and so far as I have been able to follow the matter, others expected to settle down with Saltonstall and Phillips.

The Dorchester people "resolved to live together" before they left England. They came over here in the "Mary and John," and arrived in advance of Winthrop and the rest. They "landed in health," according to Clap, on May 30. They then explored the harbor, went up Charles River, and finally settled down at Mattapan. On June 12 the "Arbella" with Winthrop arrived at Salem. On June 17 Winthrop reached what is now Boston Harbor, and on June 18 he arranged some differences between Captain Squib and his passengers, who are described by Winthrop in his Journal as "set down at Mattapan." It

seems to me, therefore, that so far as we have any records they go to show that the Dorchester people came over here as a community, and settled down on a site of their own selection, without asking the permission of Endicott, who was then the Governor mentioned in the vote as to land of May 21, or asking or receiving permission from Winthrop when he arrived more than two weeks later. Moreover, the early records are singularly vague and silent as to a confirmation of land to these people, or giving them any rights of local government. At one of the early meetings of the Company the name Mattapan was changed to Dorchester; but there is nothing in the early records of the Company as to the limits of Dorchester or of the other early towns. These Dorchester people too, so far as the records show, were given no authority by the General Court to allot lands and elect a committee to manage their business affairs, or indeed to manage their business affairs themselves unless the phrase "Mattapan shall be called Dorchester" conferred those rights. The Dorchester records begin in 1632, and for a time contain no entries except as to the allotment of lands. In 1633, however, comes the record cited in "Town and County Government, p. 28," and by Professor Howard, and now by Mr. Adams, which provides for general meetings of all the inhabitants to manage the affairs of the town, and for the selection of a committee to look after the business in the interims between these general meetings of all the inhabitants. A year and a half later the General Court recognized the system of town government which had then grown up, not in Dorchester alone, but in the other towns as well, so far as any record we have shows; and while confirming the usage, restricted the right to vote in these affairs to freemen. From this starting-point the town system developed as the circumstances of the place and the political experience of the founders directed.

Now a few words as to the legal status of these early towns. I believe, though it is nothing but a belief, that some agreement on these points was reached before leaving England; but we know nothing as to that. It might very well be that such agreements were informal, or it may have seemed best to those who were coming over to wait until the New World was reached and the control of the Company's affairs was actually in their own hands, before making any permanent arrangements. It

would also accord well with Winthrop's English nature to let things take their course, and then to adopt as the policy of the Company such policy as commended itself to the freemen after a few years of actual experience with the new home. So far as the records show anything, they indicate that this was the precise method adopted.

One other point occurs to me. Mr. Adams maintains that the charter was the model on which the town system was based. I think there are two objections to that: first, the towns were not based on any model; they grew by the exercise of English common-sense and political experience, combined with the circumstances of the place. Secondly, and much more important, I think, the freemen in general were by no means so in love with the general government of the Company at that time as to wish to model their town government upon it. To make this clear, let us see how the charter was being interpreted by those in power during these years. In 1631 it was voted that the Assistants only should be elected by the freemen, the Governor and Deputy-Governor being elected by the Assistants out of their own number. In 1631 also the Assistants levied a tax, which gave rise to a protest from the people of Watertown; and the protesters came to Boston on Feb. 17, 1631-2, when Winthrop expounded the nature of the Assistants' power as follows. He said the government of Massachusetts was not like that of an English city, where the "mayor and aldermen have not power to make laws or raise taxations without the people." On the contrary, the Massachusetts government was "in the nature of a parliament," the Assistants being chosen by all the freemen, who could, at the General Court, "consider and propound anything concerning the same, and declare their grievances without being subject to question." That was an interpretation of the charter so far as it concerned the power of freemen and Assistants by the chief man and magistrate. In establishing a town system, with a general meeting of the inhabitants and a committee to manage affairs in the intervals between the town-meetings, I do not think the Dorchester people were following the charter, with its Assistants in the nature of a parliament, and its General Court with its right to propound grievances, without being questioned. Yet it was in these years that the town system was evolved in all its essential features; and I believe that

the town system of England, from which they had just come, with its incorporated and unincorporated towns, with their general meetings of freemen or inhabitants and their aldermen or committees of experienced persons, had much more influence in determining the form which it took as early as 1633, according to that entry in the Dorchester record book, than had anything else, except the necessities of the case.

Mr. JUSTIN WINSOR presented, in behalf of Mr. Charles E. Norton, literary executor of the late James Russell Lowell, an unpublished diary of a journey from Charlottesville, Virginia, to the junction of the Ohio and the Wabash Rivers, kept in 1836 by Lucian Minor, together with a commonplace book and other papers bought by Mr. Lowell from the family of Mr. Minor. On motion of Mr. Winsor, all the papers were referred to the Committee for printing the Proceedings.<sup>1</sup>

<sup>1</sup> Lucian Minor was a native of Virginia, and was born in Louisa County, April 24, 1802. He received such instruction as the Virginia schools of that period could impart, but did not receive a collegiate education. He, however, read law and completed his professional studies at the Law School of William and Mary College. He then went to Alabama, where he spent a year. On his return to Virginia he established himself as a lawyer in his native county. From 1828 to 1852 he was the Commonwealth Attorney for Louisa County; and from 1855 until his death, in 1858, he was Professor of Law in William and Mary. He was a frequent contributor to the "Southern Literary Messenger," and besides editing several law books published a tract entitled "Reasons for Abolishing the Liquor Traffic," which is said to have had a sale of thirty thousand copies. Among his manuscripts which came into Mr. Lowell's possession was an account of a visit to New England in 1834. This was printed in the twenty-sixth and twenty-seventh volumes of the "Atlantic Monthly," with an introductory chapter by Mr. Lowell. There was also a part of a very interesting letter to Mr. Minor from the late President Cornelius C. Felton, on the slavery question, written probably in 1855; but it is in too fragmentary a condition to be printed. The diary now given is neatly written in a small memorandum book, and covers one hundred and thirty pages. It begins with his departure from Charlottesville, Virginia, November 22, and ends abruptly with his arrival near Shawneetown, Illinois, December 21. The first thirty-one pages, which contain an account of his journey by way of Richmond and Baltimore to Washington, are so largely of a private and personal character that it has not been thought desirable to print them; and at the end a few leaves have been torn out. It is evident, however, from the fragments of those leaves which remain that most of them were blank. If the diary was continued after Mr. Minor's arrival at Shawneetown, the continuation must have been in another book; but it is probable that it ended at this point, as there were still a considerable number of blank leaves remaining, on which he never wrote. In printing the diary most of the abbreviations, which are very numerous, have been spelled out.

*A Journey to the West in 1836.*

*Tuesday, Nov. 29th.* Up at 7. Pottered (as Miss Fanny Kemble would say) till breakfast. Then read newspapers till 10 o'clock. Walk to post office, office of Colonization Society, Mr. Fendall, and Mr. Gales, Sr. Mr. F. is a lawyer of talents and standing, but devotes all to the colonization cause. Mr. Gales is an Englishman, father of the senior editor of the *National Intelligencer*, once himself an editor at Raleigh, and one of the most hale and good-looking of octogenarians. I had never seen either of them before, but on making myself known we became fast friends. They never heard before, and are much astonished at hearing now, a story told me by General G., as coming from old Mr. Hersey, about the legislative council of Liberia, deliberating and nearly resolving upon enslaving the adjacent natives. They gave me four numbers of the *Liberia Herald* to be used to the best advantage. Spent several busy and laborious hours in walking to and fro between the several Departments and a Bank where my business was. An interview with Mr. Treasurer Campbell and with a much better man, Mr. P. G. Washington. I am thrown all aback by learning here to-day that the Treasurer's receipts for specie deposited with him for western lands to be located must specify the tract precisely. This makes it impossible for me to procure any such receipt. At Mr. W.'s suggestion, however, and partly through his intervention with the cashier of the Bank of the Metropolis, I at length got draughts upon banks in New York and St. Louis, which will perhaps answer my purposes; also some Virginia military scrip for bounty lands. This so far prepares me for action that I set off at 3 to-morrow morning for Pittsburg, Cleaveland, &c. The clerks in the Departments are wonderfully obliging and polite. Several of them to-day have taken a good deal of trouble in shewing me to the offices or rooms which I had to visit, and in giving me information I wanted. Upon their ranges of knowledge the effect of the division of labour is clearly discernible. Each (however skilled in the affairs of his own office) is egregiously ignorant of all that concerns the other offices. *Ex. gr.*, no one in the Land Office proper knew of the rule which has caused me such perplexity about receipts for specie, that being an affair of the Treasury, though seemingly one also of the Land Office. By the way it is a most culpable neglect in the Secretary of the Treasury not to have notified the public of that rule. After dinner walk to bookstore; a tempting book of engravings and poetry called "*Flowers of Loveliness*." Abstained from purchasing a single book. *Euge!* Night, wrote letters to Patton and Blachford, and sent *L. Heralds* and other papers to various persons. Took passage in

the stage to Frederick, Maryland. Have to be waked at 2 in the morning. To bed at 11.

*Wednesday, Nov. 30th.* The porter entered and roused me at  $\frac{1}{2}$  past 2. Off at 3, and hey for Pittsburg; through Georgetown, and then nearly northwest. A chattering stage-agent is in company. He promises me that I shall get to Pittsburg in 2 days and a half; but this is at the cost of travelling all of 2 nights. Rockville, a decayed, sorry village before daybreak. Our agent almost committed a burglary upon the hotel where we stopt to change horses; so violently did he thump, kick, and bawl at the door. It was opened by a negro man, of several who were sleeping upon pallets strewed over the floor. After much good humored storming, the agent succeeded, by the time we were summoned to the coach again, in having a small blaze kindled in a cold stove that stood in the midst. He indemnified himself for the want of external fire by pouring liquid down his throat, and invited all the rest of us to partake with him. The country is very poor, reminding me strongly of Virginia. There are fields of blended gullies and broomsedge, enclosed by tottering and low worm fences, which even without several well laden persimmon trees, are absolute *fac-similes* of the Ould Dominion. Only 8 or 10 miles from Washington we passed a farm which sold in 1817 for \$28 an acre, and lately for \$4.

Hyattstown. By this time it was sunrise; and a Liberia Herald which I had exceedingly surprised and amused my fellow passengers, none of whom had dreamed of a newspaper in Africa. Breakfast at Clarksburg, 30 miles from Washington. The next county, Frederick; improved looks of the farms and fences. The hills are getting higher and higher; and the mountains are in sight. Monocacy River, spanned by a long covered bridge. It is not navigated this high, though 80 or 100 yards wide. The slate, which was in strata trending N. W. and S. E. for 15 or 20 miles below this river, here gives way to limestone; still, however, occasionally shewing a seam of slate or a mass of quartz. Two swearing and drinking drivers this morning. Nowhere in Virginia have I seen plainer signs of intemperance and its various attendant vices than in Maryland and that part of Pennsylvania between Baltimore and Philadelphia.

Frederick City, handsome, spread over a considerable part of a rich and well improved valley; 8 or 9000 inhabitants. Our road (which from the Monocacy is a turupike) crosses the Baltimore and Ohio Railroad only a mile or 2 east of Frederick. A court martial is sitting here to inquire into the causes of the failure of the Florida campaign, and apportion the blame between Generals Scott, Gaines, and Jesup. The newspapers mention a convention to meet here on the 10th prox., to devise and recommend to the Legislature a scheme

of free schools, which the surplus expected from the Federal Treasury will enable the State to establish on a becoming scale. News from Cuba; difference between Governor-General Tacon and the Governor of St. Jago de Cuba, about the constitution of 1812; serious disturbances apprehended. Difficulty in choice of stage route; decide upon going to Brownsville, Pennsylvania, and thence to Pittsburg. 9 passengers in my stage, and 4 other stages all filled; 2 of them opposition; the rest belonging to one company. Not far N. W. of Frederick is the alms-house, a very handsome and extensive brick building; so palace-like outwardly that if its inward accommodations are corresponding it is enough to tempt people to be paupers. By very rapid driving (the drivers being of hostile lines) we got to Hagerstown, 27 miles, at  $\frac{1}{2}$  past 6 P. M., in 4 hours from Frederick. Crossed several mountains on the way. 2 ladies on the rear seat, who spoke not a word; and 2 or 3 gentlemen on the front and middle seats, who were reasonably talkative. One of them shewed us 2 pretty squares of variegated marble, taken from an old heathen temple in Egypt, of exquisite polish, though probably 3 or 4000 years old.

At Hagerstown, stopt for the night at the large and crowded hotel of Mr. Stahl — doubly crowded, as, besides the host of stage passengers, a court is sitting in town, and the judges and lawyers are mostly in this house. The Court of Common Pleas — sometimes called the County Court, and sometimes Criminal Court — held by 3 judges, who hold such a court for each of 3 counties twice a year. There is no lower tribunal, save single justices; the higher are the Chancery Court and Court of Appeals. Wrote to Dr. Morris and Capt. William Liun; request answers at St. Louis and Peoria. Slept in a room (fireless) with 4 beds, all occupied.

*Thursday, Dec. 1st.* Ours being no mail coach, the driver let us sleep till nearly 5; set off at  $5\frac{1}{2}$ . To Clear Spring, only 12 miles, to breakfast. Crowded enough before; but here one Mr. Hook, weighing 200, and a Mr. Mann, above the middle size, were added. Moreover a thick new wheel, intended for a crippled coach 20 or 30 miles on our way, was placed on our top, to the serious detriment of the vehicle (thank Goodness!) and to our no small annoyance and apprehension; for its weight created the danger of its breaking in upon us through the top, and much increased the likelihood of an over-turn. The town of Hancock memorable for two things; 1st, there Mr. Hook left us; and 2d, there the State of Maryland is but 1 mile and a quarter wide between Virginia and Pennsylvania. The high, barren hills of Morgan County, Virginia, stretched for many miles in view on the opposite side of the Potomac. In Mr. Hook's stead came another passenger of less avoirdupois and more promising exterior; not looking



like one who drank, or made, or sold whiskey, all 3 of which traits were shadowed in the former gentleman's face and embodied in his history. The new comer proves a geologist, sensible and communicative, just the companion for this mountainous road, so full of geological incident. Another passenger is Mr. Neff, a plain farmer-like body, owning a coal mine near Cumberland, who has been to Harper's Ferry with a boat load. It is worth 10 cents a bushel at Cumberland: he got 30 at Harper's Ferry; boatage about 12 cents. Dined at Mr. Mann's, a member of the Maryland Legislature. He came with us from Hagerstown. He and Mr. Neff say elections are carried in Maryland by old-fashioned electioneering, — *treating* included. The dining-house is near the top of a mountain, a ridge of the Alleghany. The geologist walked on while the rest ate. The back seat in stage occupied by 2 ladies, neither of whom or the young gentleman who sat with and attended to them had yet spoken or been spoken to by one of us. At breakfast one only of them had sat down; she did so when the rest were nearly done, and no one seemed properly regardful of her; so Mr. Neff and I waited upon her with such eatables as were near us. At dinner we heard the young gentleman mention her to the landlord as his *servant*, and ask that she might sit at table soon, before all were done. She did so; and great was the falling off in the attentions we then shewed her. Our Virginia breeding no longer appeared (Mr. Neff was a Virginian). Overtook the geologist at top of mountain. He had much to say of the formations apparent on the wayside; knows William B., Henry, and Robert Rogers. Wonder who he can be; have seen him before, I'm sure. We crost to-day 3 or 4 considerable mountains, with ascents and descents long, but not steep; the turnpike winding along the side till it insinuates itself to the top and to the bottom, so as to make the slope very small. It borders often upon sublime precipices, overlooking deep ravines, and wide as well as deep vallies. In descending one mountain we saw the road 4 or 5 miles ahead running up another, like a mere line of white, — a path or furrow it might be, made by deer or by rains. Night, 11 miles E. of Cumberland. About dark ascended the last mentioned mountain. When near the top a solitary light, twinkling through the tree-boughs in the valley many hundred feet below us, on our left, shewed how high we had mounted. Presently the descent began. It was immensely rapid; the horses seemed straining at full speed. But no one said a word against it, trusting to the driver, though it was impossible to help feeling a little particular at the idea of thus flying along the edge of precipitous ravines, with sheets of ice under the coach wheels. Reached the town of Cumberland at  $\frac{1}{2}$  past 9, Black's Tavern; no supper, I. 8 or 10 members of Congress on their way to Washington. They represent the roads westward as slippery and dangerous, especially Laurel Hill,

and the Ohio River as too full of ice to be navigated. With them Governor Kent of Maryland. Mr. Clay and Col. Richard M. Johnson (Tecumseh) passed here to-day. Fine coal fires. The mines here-about yield perhaps 150,000 bushels a year; few hands yet employed. Mr. Neff, whose pits furnish 45 or 50,000 bushels, employs but 3 hands. Millions could be obtained with ease. These mines have been wrought only 20 or 25 years. Those at Brownsville in Pennsylvania, on the Youghioghaney, longer. It measures 28 bushels to the ton. The mines are all cut horizontally under the sides of hills. Before going to bed, I find the geologist is Mr. Forrest Shepherd of New Haven, whom I saw in Virginia last spring. His opinion as to origin of meteors and meteoric stones different from Professor Silliman's. His, they are either chemical formations in atmosphere, or combined fragments shot up from volcanoes and carried by currents of air co-operating with yet modifying the original projectile force, sometimes thousands of miles from their native mountain. Professor S.'s, they are fragments of broken planets which move in orbits round the earth, and occasionally throw off these so powerfully that they come within the sphere of the earth's attraction and fall on it. This (*si rite recorder*) is Brewster's notion in his note to 2d Ferguson's astronomy. *Mem.*, to look. To bed at 11, in a room with 6 others.

*Friday, Dec. 2d.* Off at  $\frac{1}{2}$  past 5. Up the famous Wills' Creek. Cumberland (then merely a fortress) is known as the last starting place of General Braddock on his fatal march to Fort Duquesne. His road stretched due N. W. over a mountain which *our* road this morning more judiciously leaves to the left and runs up W.'s Creek along the "Narrows," a pass between 2 mountains, allowing a channel for the creek. It was very cold; and having "caught a cold," with a cough that has irritated my lungs to right fearful soreness, I could only peep now and then through the coach window-glasses at the noble scenery of the Narrows, dimly towering and frowning in the starlight. This was so unsatisfactory that I soon wrapt myself up in cloak and blanket and fell asleep. Hardly waked entirely before reaching Frostburg, our breakfast place. Mr. Shepherd, instead of sleeping, had been eagerly watching the coal that "cropped out" on our roadside, and he had observed a great deal. He means to spend some days here, and in the neighborhood, to explore the coal and other mineral wealth of this region. Several rough fellows, like wagoners or stage-drivers, around the barroom fire. One of them was eloquent in praise of a Connecticut man who had taught a school in the village last year. He had carried his scholars forward wonderfully; had 50 of them. "I went to him myself," said the fellow, though he was 27 or 30 years old. A minute after he took a dram. It was red liquor, brandy, I judged; and the dram was a common tumbler half full, with about 2

tablespoonfuls of water added to it merely for appearance sake. The drinker did not reel under it in the least. Farewell to Mr. Shepherd. Our driver was a low, broad-shouldered, grotesque looking Dutchman, of some 28 or 30. He (with our leave first asked and had) helped into the stage a rosy-cheeked dumpling of a woman, much like himself, and the living incarnation of a Dutch burgomaster's daughters described in Quentin Durward. Cap on and a jacket (I forget the colour) laced behind outside, like those of the Bavarian girls in pictures. To some proffered civility of mine she made no answer, as if not understanding me, and she interchanged no word with any of us. At the end of the little Dutchman's stage he was remarkably assiduous, helping her out and leading her into the house, where the folks received her with eager kindness and manifest curiosity. While the horses were changing the host told me she was the driver's sister. He came hither 5 or 6 years ago; and having by steady industry and good conduct earned a decent property and a fair reputation he had written "home" for her. She had lately reached Baltimore by ship, whence he had caused her to be brought by wagon and stage to this her destined home. They are going to keep house together; and may they have all the happiness they deserve! Nothing could be more pleasing than the round, pin-cushion figure and queen-apple face of this German woman surmounted by her clean cap, or than her Dutch words most fluently jabbered to her brother, when we had been let into her history and destination. My other fellow-passengers begin to show themselves agreeably. The young man attending the ladies, hitherto confined to the backseat, had not once (any more than they) thrown in one word of conversation amongst us. Driven forward, however, by the entrance of the German woman he has talked much and right well. A student and graduate of Yale, native and resident of Mississippi, whither he is now wending; name, John Murdoch. Rev. Mr. Morris, a young Scotch Presbyterian clergyman, just come over. Raw and simple in some things, but well-read and one of the sharpest observers of men and passing scenes that I ever saw. Physiognomy so Irish that I set him down as unquestionably of Ireland till told *No* to-day, and so ill conformed to express mind I could have sworn he ought hardly to be allowed to travel without a guardian. It is enough to say that his lips commonly wanted 3 quarters of an inch of closing. To my infinite surprise he turns out to be what I have said, a fellow of extraordinary shrewdness. School books taught me that outward appearances are often deceitful; and a thousand instances, good and bad, have warned me to distrust physiognomy. But never before have I had such a warning as this; never before such a falsification of signs which seemed absolutely infallible.

"There is no art  
To read the mind's construction in the face."

Mr. M. is a graduate of the Glasgow college. The Rev. Mr. Winchester of Philadelphia. He has been a distinguished debater in the Presbyterian General Assembly. He possesses qualities which I can well believe make him so; a good person, a most clear, musical voice, an articulation and utterance unusually distinct, a ready command of apt, neat (even elegant) and correct language, and a mind stored with various, though not profound knowledge, which (because it is *not* profound, — see Dugald Stewart) he brings with admirable ease to minister to all his occasions. It is a *light* artillery, which for that reason he can bring at once to bear upon whatever point his intellectual forces are engaged with. He has to-day been extremely agreeable.

Reached Uniontown, Pennsylvania, at 9 P. M. My cold and cough worse. Only some hotwater tea with bread for my supper. Landlord (Mr. Seaton) very surly. The last hour or two of the drive were agonizing to me from a tight boot; more than a dandy's pains, though guiltless of a dandy's sin. My boots were of thick stiff cow-leather, intended to fend off the cold of Latitude 42°; but not fitting well (though too large for me) one of them gave me the keenest pain that I ever felt, — worse than tooth-ache or tooth-drawing. Our surly landlord could not be prevailed on to give me oil or any grease to soften the leather. His wife (wife-like) seemed anxious to make amends for his churlish humor by fourfold kindness.

*Saturday, Dec. 3d.* Started at 5½ A. M. Youghioghan River. Brownsville 12 miles west of Uniontown and on the Monongahela. Hopes of going from Brownsville by steamboat to Pittsburgh, all dashed by seeing the river sheeted over with ice, on which boys were skating. Crost river on a fine bridge, covered. We have been travelling on the great National Road (alias the Cumberland Road) since we left Cumberland. It is a fine McAdamized turnpike. To-day's portion especially good; so is the land it runs through, waving in elevated ridges, but laid off into fertile, well enclosed and well improved farms. Much pleasant talk from Mr. Winchester. The Persian astrologer (a Frenchman, Mons. —). He performed this trick: one of the company was asked to write some thought or wish on a bit of paper. He did so. The conjuror then handed the paper to Mr. Winchester, who with his own hand held it in the blaze of a candle till it was burnt to ashes which he then with his breath scattered into the air. The conjuror blew out the candle, stripped the wick of the tallow for an inch or two below the blaze, and there, wrapt around the wick was found the identical paper with the same writing upon it. The conjuror had not read the paper, or seen, or been told, its contents. He told the audience that this trick was a leading one by which the Hindu Bramins deceive their votaries. No one could tell how it was done. That conjuror, however, is inferior to Mons. Adrien. He once bought 3 oranges

of a man in the street of Philadelphia, and opening one with knife apparently pulled out a 10 dollar bank-note from it. The seller stared. Adrien asked where his oranges grew, — “I should like to get some of the stock,” said he. “But let us see if the others have anything in them.” He opened another, and pulled out a 20 dollar note. “Here,” said he to the orange-man; “I’ll buy all your oranges; what will you take for them?” The fellow protested he would not sell another; tumbled them all into his basket, took it up, and ran off home. A.’s trick upon the barber also. Mr. Winchester told an amusing story of Alexander Hamilton and a sleight-of-hand man. It was a show-night, and H. sat in front near the showman. His gaze was so eager and piercing that the fellow was disconcerted for fear his tricks should be fathomed; so he went to H. (whom he did not know), and said, “Sir, I want to deceive you.” “I know it, and you may if you can. It is your business; and it is mine to find out your method, if I can.” “Here,” said the conjuror, “take this half-dollar, and be sure to hold it fast. Take care that it does not escape from your hand.” H. clenched it tight during the whole performance; every moment opening his fingers cautiously to see if he had it safe. The juggler went through all his feats, and going to H. asked him if he was *sure* that he had the coin. “Yes,” said H., shewing it. “Here it is.” “Yes, there it is, sure enough. And now, Sir, I *have* deceived you; for by giving you that money to look at and think of, I have diverted your attention from what I was doing, so that you have not made the discoveries I feared.” H. laughed heartily, and owned himself *fairly* cheated.

Millville, Hillsborough, Washington, — all in Pennsylvania. The last is a flourishing village of 1500 or 2000 inhabitants. Here I intended to take another stage for Pittsburg; but the severe weather making it likely that travelling in Michigan and on the lakes is impracticable I conclude to go first to Illinois *via* Wheeling. At Wheeling take stage due west, or steamboat down the Ohio, as circumstances may render wisest. Thriving college at Washington. Mr. Morris, getting out to walk some miles, fell in with a student going to it, a lad of 17 or 18, who detailed to him his plans of study and of life very *naïvement* and amusingly. It was night when we came within 18 miles of Wheeling, and our two last stages were mostly in the dark; many steep hills to climb and descend. My cold and cough worse and worse. No breakfast this morning save one cup of hotwater tea and a little bread crumbed into it; no dinner; no supper. High fever. As the stage rumbled on, I slept; but it was a feverish, unrefreshing, dreamy sleep. How fantastic the images that crowd each other through a feverish brain! and what a heightener of their wildness is the jolting of a stage! Before one set could be dwelt upon for an instant an abrupt

heave or lurch would dissipate them, and introduce another set, like the figures in a kaleidoscope, appearing, vanishing, and changing at the slightest motion of the instrument. Reached Wheeling at 10. Hot water sweetened, with a counter-twang of vinegar in it, was all my supper. Another feverish sleep, disturbed by other fantastic dreams.

*Sunday, Dec. 4th.* Rose not till 10½. No breakfast, or desire for any. At 12½ walk out; people going home from the churches. Took a turn through several streets, so as to gain an idea of the situation and shape of the town. At dinner, some soup and vile pudding. No appetite. Afternoon wrote 2 letters, and read 2 plays,—Congreve's "Love for Love" and Dr. Hoadley's "Suspicious Husband." Read the latter once before, when a boy. Read also, before bed-time, vol. i. of the "Posthumous Papers of the Pickwick Club," by "Boz," alias Charles Dickens. There is no denying either the broad humour or the truth to nature with which he delineates common life, and especially cockney life. But it is a sort of travesty of some of the nobler feelings of humanity, which tends much more to *grovel* than to elevate the mind. As tourists the Pickwickians are made ridiculous by the triviality of the objects they contemplate, registering the veriest trifles with as much serious parade as would be meet for the incidents of a Back's or Parry's journey. Perhaps a part of my displeasure at the travesty arises from a resemblance which is hardly to be disguised between the worthy, pragmatic Pickwickians and a certain tourist to whom I myself am greatly attached.

*Monday, Dec. 5th.* Rose in time for second table at breakfast. Morning rainy and much warmer than yesterday; clear up; walk out; river almost free from ice, and what appears is all afloat. Ascended high hill, overlooking the town; a singular ridge between the Ohio River and Wheeling Creek; sharp at top like a house top. It is full of coal, which "crops out" in many places along the sides, and is dug with such ease that it costs here but 3 cents a bushel (bituminous). Steam engine for raising water into reservoir whence the city is supplied. Intelligent and obliging engineer. The engine burns 100 bushels of coal a day; cost 10 or 15,000\$. Whole water works \$80,000. The boiler consists of 4 cylinders lying parallel and horizontally, communicating together. After the steam is used in the piston *quant. suff.* of it is driven into a tube which conveys it into a cylinder where it meets and heats the water that fills the boiler,—heats it to the verge of boiling. Thence it passes by another tube into the boiler. The supply tube which brings down cold water from the city reservoir into the heater is only ¾ of an inch diameter. Dinner, soup only. The Court House close by; went in; monthly session of County Court. A case of attachment against an absconding debtor was under discussion. An old brazen lawyer *vs.* a young though not a very modest one. They

both laboured through speeches which reminded me so much of many of my own that I was sickened in spirit, and left the house *re infecta*. The younger lawyer's tortuosities and feeble repetitions were particularly distressing. Went with my fellow traveller and room-mate Murdoch to a glass factory, of which there are several, and saw all the processes from melting the lead, which seems to be the main ingredient, to the final blowing and trimming the vessel into shape, and giving it the last polish. Called at steamboat to see if an arrangement could be made to get us berths down the river to-morrow. Vain; they are all occupied. Got some flaxseed to make tea for my cough, and drank it at intervals till bed-time, with no sensible effect. Read Congreve's tragedy, "The Mourning Bride." It deviates from the common run of tragedies in making all the deaths fall upon the villains in the piece, while the reader's favorites come out prosperously. In Johnson's Life of Congreve I had vainly striven to find in the following passage a warrant for J.'s high praise that it contains *the most perfect image* in the whole compass of English poetry. It is said by A., the heroine, in a cathedral of Granada at midnight. She and her attendant thought they had heard sepulchral sounds, but soon deemed it fancy.

" — all is hush'd and still as death ; 'tis dreadful !  
 How reverend is the face of this tall pile,  
 Whose ancient pillars rear their marble heads,  
 To bear aloft its arch'd and ponderous roof,  
 By its own weight made stedfast and immovable,  
 Looking tranquillity ! It strikes an awe  
 And terror on my aching sight. The tombs  
 And monumental caves of Death look cold,  
 And shoot a chillness to my trembling heart !  
 Give me thy hand, and let me hear thy voice."

The play to my taste vindicates its reputation as one of the finest of English tragedies.

*Tuesday, Dec. 6th.* Rose and went to breakfast ; cold much better, but cough still troublesome, and lungs sore. Much ice floating down river, but several steamboats have passed up and down. Tried again to get berth in the Robert Emmet, which goes down to-day, — vain ; so went on board the Huntress, just from Pittsburg. Selected berths and marked our names over against them in the cabin register. Had then the melancholy satisfaction of learning from the passengers (a jolly and sociable set) who had come from Pittsburg, that great scarcity of provision existed, so that they had this morning eaten up every morsel that was set before them for breakfast. The captain, too, without skill or energy, and very weak-handed. A negro man was lost overboard this morning; went to dip up a bucket of water; gangway slippery with ice; fell; swam a little while; and 2 minutes before the yawl reached the spot, sunk, to rise no more. This happened just above

Wheeling, a few hours before we entered the boat. Our narrators seemed still shuddering with the shock they had suffered from the sight. Presently two of these gentlemen, with loud laughter and cheering rolled into the cabin a barrel of fine apples they had just bought, and bade all welcome to a share. We put off at 2. Dinner good and plentiful enough. Among the passengers is a practical and scientific ornithologist of Philadelphia, Mr. Doughty. He has traversed the United States, Canada, and Mexico in quest of specimens, and says he is skilful in preparing them, *i. e.* in skinning the birds and stuffing their skins. Spent some weeks, winter before last, in Illinois, and was often out in the prairies shooting "specimens" when the mercury was nearly down to zero. This sensibly encouraged me anent my anticipated exposure there in land-hunting. Another passenger seemed busy noting down things in a book. He is very rough looking for a *savant*; can it be a journal? if so, "gold to silver," that it is a match to that of Mr. Pickwick or of Will Marvel. A young Jew whom they call *Abraham* and a Kentucky grocer, both of whom are ill spoken of by their brethren, and a lively, jocose little Portuguese named *Medina* are other of the passengers. A game of whist was going on. My friend Murdoch proposed a rubber to me, and (*horresco referens*) we played, no bet however. Then read *Gil Blas* (in French) till bed-time. Our captain is a raw lad of 17 or 18, vulgar and uncourteous.

*Wednesday, Dec. 7th.* Idle all the early part of the morning. The Robert Emmet having passed us, and got stuck in the ice, we pulled her out by a large rope. Wrote 2 letters, and then found that we were hurt in like manner. The R. E. returned our kindness in kind. A few minutes after we were surprised to see her stop. So did our boat, and to our dismay, as well as surprise, we found she meant to transfer all her passengers to us, and go no farther. Our captain was not to be dissuaded from taking them, though our meals were already stinted in the extreme, and our single wheel (for one was crippled and useless) was barely sufficient to carry the load we already had through the ice and over the sandbars. The transfer was made; crowd excessive; fire small, hardly any fuel, — passengers had to saw wood, bring it in, and make fire;  $\frac{3}{4}$  could not get near it. This was 3 or 4 miles above Marietta. Reached M.; lay an hour or two at wharf. More passengers came aboard there, eager to embark as if they expected a pleasant voyage amid comforts and abundance. *Heu, nescia mens hominum fati, sortisque futuræ.* Among the newcomers was Gen. Felix Houston, now of Texas, a dull, heavy, pugnacious-looking man, 5 feet 10, with broad shoulders, and arms that seem able to wield a bowie knife with tremendous effect, — one visible under his waistcoat. Murdoch not seeming to know who he was questioned him rather closely about Texian affairs and Gen. Sam. Houston. Whispered a



warning to M. that he was talking with S. H.'s brother or cousin. We soon ran aground upon a sandbar, and hung there all night. This was after passing Blennerhasset's Island and Parkersburg. Read a good deal to-day in Gil Blas.

*Thursday, Dec. 8th.* Breakfast, second table; the first being occupied by the ladies (12 or 15 on board), and those gentlemen who occupied the seats  $\frac{1}{2}$  an hour before the bell rang. Short allowance, especially of bread; no cream or milk for tea and coffee. Disengaged from the sandbar; ran a little way; disengaged again, and ran 4 miles, — our whole day's journey! Stopt near shore because captain has heard that 6 or 8 miles below a barrier of ice closes the channel. Before the boat was moored he, with skates on, was out upon the ice with his waiters (boys) skating! Passengers all thronged to see him, and laughed bitterly. Wood exhausted once to-day; supply obtained on shore: passengers helping to throw it down the high bank. Dinner much scantier than breakfast. No supper; all ate some apples. (My seat was only at second table, dinner.) Read the first volume of *Life of Sir James McIntosh*, by his son, lent me by Murdoch. There are few books more interesting. His *Vindiciæ Gallicæ* (answer to Burke's *Reflections on the French Revolution*) written at 26, compare it with his chastened views of liberty exhibited in his *Lectures on National Law*, nine or ten years after. The former full of that generous, uncompromising enthusiasm for equal rights and popular government which he who never felt is a dunce or a slave, or both; the latter manifesting those tempered and castigated hopes to which experience (and especially such experience as the French Revolution affords) will reduce any mind not incurably visionary. Extracts given from McI.'s journal of his studies while in India. He says, "one page of Pascal has all of Dr. Reid's system; and one sentence all of Dr. Beattie's book." That sentence, — "L'unique fort des Dogmatistes c'est, qu'en parlant de bonne foi, on ne peut douter des principes naturels. McI.'s criticism of Corinne "'spreses my mind," as Capt. Guzzle says, "'zactly." Mad. De S. formed no very good *plot* for her story; and its incidents are often overstrained and extravagant. But plot, incidents (including the sentimental speeches of hero and heroine), the story itself are mere secondary objects. The main one is to portray national character, manners, arts, antiquities, and literature. In doing this none can deny that she abounds in strokes, expressive, profound, original, and powerful. The reader is perpetually anxious to grave on his tablets the numberless striking remarks he sees, and can no more bear to read her than Tacitus, without pencil in hand. A good deal also of Gil Blas to-day. Still aground; wheel broken; hammering upon it all night. A hundred rumours flitted amongst us; a hundred sage counsels were offered; all in vain. The boat still hung aground. Sleep soundly.

*Friday, Dec. 9th.* Still aground. Rose after the sun, and fifteen or twenty minutes after the steward, or head waiter, had as usual walked round by the berths, ringing a bell with all his might. I should have spoken of the sleeping apparatus; mine an upper berth; a hair mattress to lie on; covering, a cotton counterpane, a sheet, and a narrow, short, thin blanket, besides my own great coats and green Mackinaw fortunately provided in Charlottesville. But for these appliances of my own I must have suffered much. News of the steamboat "Dayton," 11 miles below, stopt by the ice. At breakfast a seat at first table given me by a fellow passenger (Campbell) who came to me and insisted that I should occupy the one he had taken. This is the only time I have sat at the first table since Marietta. Ice close by where boat lay; go ashore; skating. The journal-writing passenger is Mr. Charles Stearns of Springfield, Massachusetts. Scraped acquaintance with him. Boat started, went 4 miles, and then stopped again; professedly on account of ice below. Read *Gil Blas*. Dinner, meagre. Talk with Mr. Stearns. Mr. Doughty read me passages from his journal in Illinois. Rain, welcome as affording hopes of melting the ice and raising the river; but it soon ceased. Weather warm. Fight between captain and one of his working hands. Cards till late at night, if not all night. They disturbed my sleep. I heard words indicative of higher betting. One game played was *Poker*. A passenger who had a barouche and pair on board (as well as a wife with two comely daughters) exclaimed, "I'll put up my best horse!" He was a considerable loser; but his horse was not staked.

*Saturday, Dec. 10.* Breakfast (second table for me) scanty and wretched, as usual. Start at 10 A. M.; proceed 20 miles, and then passing a narrow channel round the west side of Buffington's Island, ran aground for the rest of the day. The island is a mile long and six or eight hundred yards wide, belongs to a Mr. Williamson, and is very fertile. Captain set us ashore to lighten boat. Many efforts to get her loose; all in vain. We walked down the river bank one or two miles; called at a cabin, where I and others ate a rude but delicious dinner of fried pork, pumpkin, butter, buttermilk, and coarse corn bread. Mr. Doughty's lecture on birds. He numbers eleven varieties of woodpecker in the United States, and ten of hawks. The whip-poor-will, —, and night hawk, all distinct birds. The last is what we Virginians improperly call the *bat*. Return to boat. Other attempts to get her off, — vain. No cards this evening; either because it is Saturday or from the gloom of our situation, hung here, and nearly destitute of food; or because the excesses in cards last night made all the players ashamed and loath to return to them. Finished first volume of *Gil Blas*; no other with me.

*Sunday, Dec. 11th.* Still hung. Second table at breakfast. No

bread proper since yesterday morning. It is only buckwheat flour made into cakes, so vile that only hunger could make them be eaten. My share at this breakfast was but two, very small, — not half as much as a man in health ordinarily requires. No milk or cream yet for coffee and tea. Go ashore again, and walk down as yesterday; staid till after dinner-time; ate none. Saw boy row skiff over river, and up towards the steamboat. Hailed him and got him to take three of us on board. Chaffered for purchase of his skiff; asked \$8; I for giving it; but my two companions would not. We wanted it to row ourselves away from the boat down to Gallipolis, 54 miles; also two ladies, Mr. Murdoch's sisters, who came with us in stage from Frederick, Maryland, to Wheeling; and Dr. — wife. It was fortunate that we did not buy it. On reaching the Huntress Mr. Stearns told me that ten or twenty were agreeing to hire a man to carry them to G. in a flat boat, and asked my concurrence. Agreed, and set down my name on the list. Presently the man who was to carry us had his skiff alongside to take our trunks down to the lower point of the island, where the flat boat lay. After vainly seeking the captain to pay my passage, and get my trunk delivered, Mr. S. and I handed our own trunks (helping one another) into the skiff, also two or three others. It then put off, and had proceeded 200 yards when Captain Coonts appeared. Mr. Stearns tendered him a fair proportion of passage money, as he had before done to the clerk. Both refused it, claiming not only *more than half* the whole passage money to Louisville, but \$1 a day besides for the last three days for board. I tendered \$5 for my passage from Wheeling hither. It was in like manner rejected. To Mr. Stearns the captain was exceedingly abusive and menacing. Swore our baggage should not go; and when he found that it was a half a mile off his fury knew no bounds. He set his engine at work, and made such a splashing with his only remaining wheel that no skiff could come near to take us off, and we seemed in danger of separation from our trunks. Some of his people, however, either by chance or with design to aid us (for crew and passengers were all against our captain) ran up a *lighter* or large, wide flat boat, like a ferry boat, between us and the shore, forming an easy communication for us with the land. We stepped ashore by this bridge, and after looking awhile at the captain, who shook his fist at Mr. S., and uttered some abuse which I could not hear, we walked on downwards after our baggage. It lay on the beach, near the wigwam hotel where we dined yesterday. Took dinner there again, about 4 P. M., a sumptuous one, indeed. True, no sugar in coffee and no butter; but there were venison, pork, pullets, hardly grown, stewed peaches, and excellent yellow-corn bread, made of meal finer than hominy. Hardly ever relished a meal more. Of the fifteen or twenty who promised or were expected

to join us in the flat boat voyage only two did so. We made four in all, — Mr. Stearns, Woodruff, Butterick, and I. W. was of Newark, New Jersey ; S. and B. of Massachusetts. Being so few, concluded to go in a skiff or yawl, instead of the flat boat. Our boatman (engaged) was a stout, active, and saucy mulatto, either a slave or hired servant of Mr. Williamson, who owns Buffington's Island. In the midst of our discussion with "Jeff" (the mulatto) about the skiff or the flat a man came over the river in the very skiff which I and others had been chaffering for with the boy. We insisted on his hiring it to us to go to Gallipolis. No. Then only 2 or 4 miles down, to a place where we could get another, and send his back. No. Jeff and young Mr. Williamson (son of old Mr. Williamson) pressed him to lend or hire it to *them*. No. They offered him \$3 for it ; \$4 ; \$5. No ; he said he had given \$5 for it only a few days before. That was more than it was worth ; but he was obliged to have it, because he was bound as a ferryman to keep a boat here, and this was his ferry boat. He could not possibly spare it on loan or for hire, or on any terms, unless we would buy it of him for \$7, which was the very least he would take. The English of all this was, "I see you are determined upon having a boat ; mine is the only one you can get ; and I can make you give what I please, even double the worth." We so interpreted him ; and Mr. Stearns (our leader and spokesman) put \$7 into his hands, and the boat was ours. We turned it up on edge, to drain it of some water in the hold ; then launched again, put in our trunks, two large bundles of straw given us by our log-hotel keeper, and entered ourselves. It was now dark, except what light the stars and a moon three days old afforded. Jeff took the oars, my companions sat in the stern, and I in the bow astride a trunk. We pushed off. Half an hour before we did so the Huntress hobbled by us. She had been snatched from the shoal, partly by a vigorous effort which the captain made in his fury at our escape (after having taken out nearly all his freight by means of lighters) and partly by a pull from the steamboat Patrick Henry, which just before our departure came rushing up the same channel, and stranded within thirty yards of the "Huntress." The two boats were commanded by brothers, both Captains *Koontz*. I cannot say "*clarum*" aut "*venerabile nomen gentibus*." The H. had deposited many tons of her freight a few rods below the spot whence our skiff ("The Independence") bore us ; and as we glided out into the middle of the river we passed her, relading, — a work of several hours. Much floating ice, against the cakes of which we every moment struck ; but they always crumbled at the stroke, only jarring us rather fearfully, heavy laden as we were, and frail as our quivering, creaking barque was. After going half a mile our oarsman warned us that the boat leaked ; he heard the water trickling in and felt it wetting his

feet. He thought she would not keep afloat more than 3 miles unless the leak was stopt, or the water thrown out. There was a house 2 miles below, where we could get a bailing vessel and a light. So we pushed on, and effected a landing near the house he indicated ; pulled the skiff high and dry ; took out the trunks and the hay now wet ; turned her up to let out the water (which was 3 inches deep), and while my comrades went up to the house, Jeff and I staid to guard the baggage. He complained sorely of the cold ; talked of rheumatism, which had frequently beset him ; and dropped hints of his wish to quit us, taking only a moderate proportion of his stipulated pay for the service he had already done. The gentlemen returned in half an hour, with a lantern, two candles, some fresh hay, and a tin milk-pan to be used as a bailing-vessel. These they had obtained at two houses, near half a mile apart. They would not listen to Jeff's proposal of quitting the service, though I was desirous, and Mr. Stearns willing, to save the \$8 we were to give him for going to Gallipolis, and row ourselves. But the other two could not row, and had found Jeff too useful to be spared. They flattered him by exaggerating his smartness and manhood. " Ah, and," said Woodruff, " Jeff will find us cleverer fellows than he thinks for." In fine, Jeff acquiesced ; we re-laded and re-launched the " Independence," and my friends once more put out into the broad, icy Ohio. To warm my chilled feet I determined to walk along the shore to our stopping place for the night, 3 miles lower down (Williamson's wood-yard), where we were informed that we might lodge comfortably, be fed, and caulk our boat. It soon outwent me, so that I ceased to hear the oars and the calls they now and then made to me. Rough road, often hardly traceable by the dim light of stars and almost setting moon. After going 2 miles (as I thought) came to a log house. Barked at by dogs ; man said it was two miles to the wood-yard ; walked 2 miles further (supposed) ; another house, this surely was Mr. Williamson's. No ; it was a mile off. At length arrived there ; moon just setting. On a gate-post fronting the house was a lantern which I recognized as ours. Went in ; my friends had been there fifteen minutes. Said they had had a very pleasant passage down ; very little leaking, and ice not at all troublesome. Three of us went down, and hauled the boat " high and dry," leaving all our trunks in it. Mr. Williamson (as a man at the house where I called had notified me) was not " to home ; gone to a mill 9 miles off for meal." His " woman " (as their vernacular hath it) declined giving us breakfast in the morning, because bread-stuff was so scarce. Supper we did not want, except our rower, who had missed his dinner. He, being known to the lady of the house, was requested to stay closely in the room where we sat ; whether to promote our comfort by waiting upon us or to see that we stole nothing did not clearly appear. She directed him to a cupboard where he

might find a segment of pie to appease his appetite, which his row of 5 miles through a biting atmosphere had made something of the keenest. Mr. S. and I sat up till 10½. Jeff shewed us to our chamber. All four slept in one room, two in a bed; Mr. S. and I together. A straw bed on the floor, one sheet and scanty covering; but weariness made amends for all.

*Monday, Dec. 12.* Slept soundly till near 5, when the coughing and lumbering of a steamboat was heard going down the river. I was the only one except Jeff, who heard it; knew it to be not the Huntress from its having two wheels in motion, the H. having but one. Rose at 6, about daybreak; and having dressed and washed sent our *factotum* in to ask the hostess for our bill. He came back and said its amount would alarm us; it was six cents apiece. We paid him the quarter of a dollar which he deposited in the aforesaid cupboard by her direction. Then repaired to the beach. Trunks all safe, but covered over with a cake of frost, and our hay also. No caulking having been done (for we could get no means for it, in the absence of our landlady's husband), the leak began as soon as we re-launched. I, as before, on a trunk in the bow; my business to give notice of ice or snags. Mr. Woodruff near the oarsman to bail, which he did most industriously. Had gone 2 miles when the Huntress overtook and passed us. Great waving of handkerchiefs and hats to us from our friends on board; several of them inviting us to rejoin them. We made signs of dissent, and all agreed that we would not go on board for \$10 each, besides our passage. The rolling of the water, caused by her wheel in passing, tossed our barque rather fearfully, and would have upset it, had not our Palinurus kept her carefully across the ridges of water. Soon after came up with four sailors or boatmen, late hands of the Huntress who had parted from her on a quarrel with the captain, and put off in a skiff just an hour or two before us. They lodged last night 4 miles below us. A mutual hail and greeting ensued; and the two skiffs proceeded in company. It became my turn to relieve Mr. W. in bailing. Found it a cold and fatiguing service. By the almost incessant motion of one hand with the tin pail, all I could do was to keep the water from gaining upon us. In spite of me it was at least 1½ inch deep. Ice soon formed upon my gloves, and the only way to keep hands tolerably warm was to slap them one at a time across my breast, stage-driver fashion. The ice had increased during the night, so that we frequently struck upon large cakes of it, which our rower sitting with his face towards the stern did not see, and which the vigilance of our look-out-man could not always guard against. Passed the wreck of a large boat stranded upon a sandy island. Ran aground ourselves once, coming imperceptibly into a shallow, pebbly part of the stream. Pushed off into deeper water, however, without much difficulty. Having gone 8

miles we put ashore near a log house, where "Jeff" assured us we might expect a good breakfast. Shallow water, so that a landing was somewhat difficult. Were just about to haul up the boat, and I had just been commissioned to go and bespeak breakfast when the cry of "A steamboat!" was raised, and a gallant one, at 12 knots an hour, came rushing down, rounding the last turn of the river, within half a mile of us. Shoved off with all speed into the current, and made for a point 600 yards below, where some men on shore told us, and where only, the steamboat could stop for us. The four sailors also made all speed in the same direction. We hoisted handkerchiefs on umbrellas, in token of distress, and called out to the people on board to take us in. A crowd appeared on deck gazing at us, and motioning with their hands downwards, as if indicating that we would be waited for a little below. To our surprise, and somewhat to our dismay, the steamboat dashed on as if not noticing us; the crowd appearing to be passengers only. Suddenly, however, on reaching the exact point where we had been told she could stop for us, at the lower end of "Goose Island," as suddenly as if every drop of water had in a moment been drawn away and the river left dry, she halted. We — at least I — did not know till half an hour after that she had "grounded." I thought that she had benevolently stopt to take us up. Both skiffs ran under her starboard quarter, before the wheel; the four sailors first, we next. All clambered on board, with ready and even eager help from the firemen or other hands. Took up baggage; paid Jeff \$2 for the 13 miles he had come with us, to his entire content, offered him our skiff, which he refused, saying he would not row it back for it. The captain of the "General De Kalb" (our new steamboat) being unwilling to have any skiff but his own lashed astern the "Independence" was turned adrift, to "sink or swim" as the chances of wind and water might determine. We presently found the De K. fast aground, and so full of passengers that the captain had (justifiably I dare say) intended not to stop for us of the two skiffs. 230 souls on board. Entered the cabin, a superb one; berths protected by curtains projecting in a *bow* form, so as to make in front of each a space, screened from view, large enough to dress, &c. Curtains of blue and pink silk most tastefully arranged. Among the thirty or forty gentlemen in the cabin recognized several who had been in the Robert Emmett, and been prevented from coming into the Huntress by the exorbitant passage-money demanded of them, \$18 from near Marietta to Cincinnati. A breakfast, the best we had eaten for a week, was ready in five minutes, and had ample justice done it in the eating. Much curiosity shown by our new fellow-passengers to know the *whys* and the *hows* of our travels, and for a quarter of an hour, we were the Gullivers of the cabin fireside. The captain presently announced that we must land to lighten the boat. Six or eight yawl-loads of us, making

fifteen or twenty tons of human flesh, accordingly went ashore, and strolled adown it. Orders came to us to walk down to a woodyard 2 miles below, where the boat would overtake us. Spent from 10½ till 2½ in this exercise. Went into three or four houses where Messrs. Stearns and Woodruff diverted themselves and me talking with and quizzing the women. One gude wife of whom we bought some apples was seduced into some amusing details of her family concerns, number and ages of children, &c. I liked her honest and unsuspecting praises of one absent daughter who was "the smartest sort of a gal," had kept at the head of all her classes at school, so that when she "turned down" the head scholar, (as she was sure to do) the teacher was wont to say they might all bid good bye to the head then, as she was certain to keep it. She had gone as far in learning as the schoolmasters hereabouts could carry her, and was now on the invitation of a cousin in Louisville spending the winter there, greatly to her mother's discontent. Only 14, "a great writer," yet had not written a letter home, though absent nearly a month. At school in Louisville.

Entered another more creditable-looking house, and ate a good dinner, furnished by an obliging, kind-spoken, tidy dame. In another house my companions mentioned the "smartest sort of a gal" whom we had heard of. The two ladies present instantly fell upon her and her mother, and would have demolished both by sneer and insinuation if the jealousy manifestly excited by the daughter's qualities (which my messmates faithfully enumerated as per list furnished) had not shewn itself so plainly as to neutralize the venom it engendered.

Some laughable horseplay of wit (the wagoner and boatman kind of wit) between two or three of our passengers, while waiting in the woodyard, and a horseman who appeared on the Virginia shore, bawling for a ferryboat. "The river might be forded." "Why did not he break through the ice and ride over?" "There was no ferryman but an old woman, and she was sick," &c., &c. At all this the horseman got very warm, and uttered the angriest and foulest abuse, which drew shouts of still more provoking laughter from his mockers. At length the boat came down, and we went aboard. In an hour or two overtook the Huntress. My three fellow adventurers mounted the top (the hurricane deck) and shouted and waved their handkerchiefs on canes, &c. as we passed; to which our friends replied by cheers, waving hats, &c. The Huntress captain, or some one in his interest, called out that we "had better come and pay our passage." Going twice as fast we soon passed. Point Pleasant; Gallipolis 4 miles lower. Lie by, 30 miles above Guyandotte, because the night was dark and channel dangerous. I spent the evening in reading Sparks' Life of Arnold, lent by Mr. Stearns, all but the last twenty or thirty pages. Mr. S. tells me some curious things of the birth and early life of Mr. Sparks. Born in the



eastern part of Connecticut, poor, a youth of scuffling. Slept on a mattress upon the cabin floor. Berths, table, and floor, all filled. I had aspired to a place upon the table, but was too late. Then to a certain position on the floor, not more than ten feet from the fire. Vain; forestalled. So was fain to lie near the door in the passway to the fire place, so that the waiters and others in going through the room had to step cautiously to avoid treading upon me.

*Tuesday, Dec. 13.* At daybreak the steward walked round the cabin, ringing the bell. Most of us, especially us who slept on the floor, rose at this. Boat got under way. Before breakfast finished the life of Arnold. Gouge on Banking; this cannot be read quite so fast. Every page requires an hour, to read, re-read, and think upon. Passed Guyandotte. I am now where I was once before, viz., in August last. Again passed the Huntress, which, it seems, had slipt by us in the night. Our bread was out, so no dinner till we reached Portsmouth, Ohio (mouth of the Scioto), where a supply was obtained. This was 3 or 4 o'clock. Visited a barber on shore. President's message. Wonderful eagerness to read it or hear it manifested. There was no loud reader, however, disposed to "make it vocal" for the whole company. The solicitude about it is one small sign of that overshadowing magnitude which Presidential power and influence are fast acquiring in this country. There is less difference than is worth boasting of between this hungering after the words which come even from the secretaries of our august chief (sanctioned only by his name) and the animated interest with which the crowd in Paris used to see the king at dinner: "*Ciel! le roi mange! vive le roi!*" At sunset a high wind, producing danger of a capsizé, obliged our captain to lie to in a sheltered position. The bread being still scarce and dinner late we had no supper. Sounds of mirth came up from the kitchen and steerage below. W. and I and an exceedingly good-humoured frank fellow from Maine, Stanley by name, went down to see the fun. A negro was fiddling, and others were dancing. They stopt and the fiddler absconded on our coming, but they were soon rallied. We prevailed upon two of the black waiters to lead out two "sable fair ones," and they footed it merrily upon a raised hatchway of four or five feet square till both ladies and gentlemen were tired. A boy of 13 gave a jig in the true double-trouble style. The company above, hearing of our sport, caused the male performers to go up to the cabin. There on the table three negro lads went through a variety of steps and figures to the unspeakable diversion of especially the northerners present, who were unused to such a sight. One lad "clapped Juba" while another danced it, and the latter *jumped Jim Crow* to similar music, with boundless applause. The performers began with shoes off, but we soon made them pull off their socks too, and then they were far more active. Several reels (three handed)

were danced to the violin ; all on the table. At the close a shower of bits and half-bits, nine-pences and four-pence-half-pennies, fell upon the table, for which a scramble among the dancers closed the evening's entertainment. To my couch at 9½ ; slept as last night soundly and pleasantly. The Huntress passed us in the night.

*Wednesday, Dec. 14th.* Off before day. Gouge' on Banking till breakfast. Talk with Mr. ——— of Fairfield County, Connecticut. He owns an immense body (80,000 acres) of Western Virginia land, Harrison, Lewis, Wood, &c., partly on the Little Kanhawa. Intends getting New Englanders to settle on it to raise sheep. Good business. Tract also in the peninsula formed by Sandusky Bay, near Sandusky City, in sight of railroad from Toledo to Sandusky City. Played four games of draughts with Mr. Butterick ; beaten with ease in all. Passed the Huntress again. Maysville, Kentucky ; Ripley, Ohio. Letters home to Lanty, Lucy, Mary M. T., and my father. Several whist tables have been in constant play most of the day. The draughts-board also in use, both among ladies and gentlemen. No betting, however. Five or six keepers of journals are to be seen. Some of them have close-written books. If there are others, like me, not perceptible to the public eye in taking notes, the number is such as to hold out abundant prospect of "Pickwickian" edification. Stanley of Maine is so frank-mannered that I could have sworn till told otherwise that he was born and raised in a Southern State. Moreover this is his first journey southward.

Nearing Cincinnati, a testimonial honorary to the captain ( ——— ) was proposed and subscribed to unanimously by the passengers. It merely thanked him for his skilful management and gentlemanly conduct. Somebody then proposed twenty-five cents apiece to the steward. Great parade and strong appeals to all, and I believe every one present threw in but me. Reached Cincinnati about 7. Went to Pearl St. House, and took a room ; fire, &c. Then went to an exhibition of the Hydro-Oxygen Microscope, of which in walking up I had seen the sign. It was half over ; but enough was left to please, if not surprise. Room darkened. A sheet behind which lights were discernible was spread across room, between audience and exhibitor who was invisible. He announced each thing as it was presented to view on that sheet. Shadows only were presented. A drop of water magnified to a foot in extent teemed with monsters invisible to the naked eye. In three or four drops were a hideous animal called the ——— or water tiger, snatching and eating the animalcules which swam in shoals through the apparent sea around him. He seemed two and a half or three feet long. Near him was another, the Lapidula. They were peaceably disposed to each other. Animalcules shaped much like tadpoles, and from one to four inches long, all invisible to the unaided eye. The

water tiger would chase them furiously, and now and then seize one which he would soon devour. A piece of fine French cambric seemed a network of rope, the meshes five inches in diameter, and the rope three-quarters of an inch thick. The wing of a gnat, the foot of a house-fly, the biting apparatus of a honey-bee, a whole flea, a bedbug, &c., &c., were all presented. The magnifying power was 5,000,000 times. The instrument was not shewn to the company. When the show closed, I waited at the head of the stairs, and accosting the exhibitor when he appeared asked to see the microscope and its accompaniments. He readily consented, and took me into the apartment where it was. The tube, about two or three inches diameter and eight or ten long, was placed horizontally in a frame six or eight feet from the sheet on which the figures were exhibited to the company. A few inches from the end which was furthest from the sheet was a lamp of hydrogen and oxygen gas. To feed it was on each side a tin or sheet iron gasometer (the one of hydrogen, the other oxygen) from which the gases came in tubes that met near the lamp, played upon by a blow pipe. A little way in the microscope from the lamp were placed two lenses, then the object. Its shadow magnified by the lenses was cast by the light of the lamp upon the sheet. A good deal of the magnifying was due not to the lenses but to the light placed close to the object, and thus throwing a much enlarged shadow of it upon the sheet. And it may well be suspected that a great increase of the magnifying power which the showman once announced was produced merely by bringing the lamp and object nearer together. No mirror or reflection as in the solar microscope. Returned to lodgings. To bed at 12.

*Thursday, Dec. 15th.* Up at 7 $\frac{1}{4}$ ; went to steamboat wharf. Huntress there. Went on board several boats. Breakfast. Newspapers; advertisement of Dr. Waldo, oculist; certificates that glass eyes put in by him had not been, till after minutes close inspection, distinguishable from the natural eye. Messrs. Key and Weems of Maryland and several other gentlemen mentioned the "Commerce" steamboat as a good one in which they were going to Louisville. Sent baggage on board her. Book stores, to inquire for a book on the steam engine, — none but Lardner's enlarged by Renwick. Entirely too long and too little popular in its character. In the "Commerce" met with one or two of my Huntress fellow-sufferers. Stept into the "Ben Franklin" (a still more superb boat) in which most of them were going down. Presently some one announced that the Huntress captain (Koontz) had sued out process against us for passage money; and just then his clerk with a constable appeared at the entrance of the cabin. Messrs. Stearns, Woodruff, and I (the only defaulters) stepped up and declared our names. There was no warrant against me; I knew not why; but the other two were summoned to attend a magistrate forthwith to answer the captain's

claim for \$13. They went accompanied by a throng of their fellow passengers, at once to express sympathy and to testify to the circumstances in their favour. Each side employed a lawyer, and after a discussion of some two hours, his Worship, the Justice, gave judgment against the captain for all the costs, allowing him only to receive the \$8 which my friends had tendered, and which they were still ready to pay. Three other passengers, of whom he had extorted an excessive sum, warranted him for the excess and recovered it; the justice saying that if they had claimed more he would have adjudged it to them. These particulars of the law-suits I learned at Louisville.

Returned to the Commerce, and she started about 12. Our Huntress and skiff adventure was the theme of much curiosity and conversation with the passengers, and our now captain came to hear from me the particulars of the whole affair. Of all the incidents none seemed to excite more indignation, blended, however, with amusement for its absurdity, than the demand of \$1 a day extra for board; when for nearly two days there had been no bread except thin and miserable buckwheat cakes, and so of other eatables. The claim was a mockery, at once provoking and laughable. Passed Lawrenceburg, Vevay, Madison. Overtaken by the Ben Franklin which had come without my friends, they being detained by their lawsuits. Our meals, berths, and accommodations generally in the Commerce are in a style of superior comfort and elegance. Read the President's message; like it, and go with the writer or writers (for it seems the work of several hands, among which General J.'s cannot be numbered), in most of his or their views. Gouge on Banking has evidently been studied by him who wrote the part relating to Banks and currency; and radical, if not visionary and chimerical as much of that part would seem to what are called practical, business men, it appears to me sound, rational, practicable. I allude particularly to the banishment of bank notes under the denomination of 20 or even 50 \$, and the substitution of gold and silver. Nay, even the total disuse of paper money is to me no chimera. Specie and bills of exchange are obvious and preferable substitutes. Wrote to Patton. Finished Gouge on Banking, and began his History of Banking in the United States. Read last winter and abridged a review and abridgment of it in the Westminster Review. Sleep at 11.

*Friday, Dec. 16th.* At daybreak found we had lain by most of the night, so that instead of being at Louisville, as we had been made to expect, we were 30 miles above it; two inches of snow, and still falling. It presently turned to rain. Jeffersonville, Indiana, just above Louisville, a flourishing town of 150 or 200 houses. As we neared the wharf at Louisville our boat struck violently on a rock at bottom, then tilted successively on both sides, and at each tilt dipped up a good deal of water, her gunwales going under. Captain not aware of any seri-

ous injury fixed 2 P. M. as the certain hour of departure. I go with him 265 miles further to Shawneetown, Illinois. Entered an extensive store over which was the name of G. Garland, thinking there to learn the whereabouts of my friends Edward Garland and others. Succeeded; G. G. from the northern neck of Virginia. Entered bookstore, large assortment. Bought umbrella, for it was raining. Went to Dr. Cochran's and found my friends, Mrs. Winston, Mrs. Cochran, Edward G., &c. Joyful meeting. Committed to E. \$5 to tender to Captain K. for the third time, with a note recapitulating the reason why I should pay him no more. My friends here think I ought to pay him nothing. J. O. C., having walked to wharf, returned with news that the Commerce was sinking, a large hole having been made in her bottom by the strike on entering the basin. They were unlading her with all speed. Went in a hack to Portland 2 miles below to overtake the Vicksburg, which was said to have just passed through the canal. 'T was too late. When we (Mr. Cochran accompanied me) arrived she had been gone two or three hours. Canal, 2 miles long; 2 locks; fall, 27 feet; depth from  $2\frac{1}{2}$  to 6 or 8 feet, fluctuating with the river, whence alone it is fed. Width of lock, 50 feet. Boats are from 48 to 60 feet wide. Some pass which are only an inch or even half an inch narrower than the lock, so as frequently to rub hard in transit. Some are ten or twelve feet too wide to pass at all, and have to lie below, sending up and bringing down their freight by lighters. The toll for passing up and down is sixty-six cents per ton, and as some boats are of 700 tons they pay \$462. Canal cost 980 odd thousand dollars;  $\frac{5}{7}$  of it belong to the United States; the rest to individual stockholders. Drove back to the city; 25,000 inhabitants; 60 lawyers; coal 25 cents a bushel (bituminous); eggs  $37\frac{1}{2}$  cents a dozen; butter  $37\frac{1}{2}$  cents a pound. With us in the hack were two men, one of them a pilot through the falls, the most absurdly and offensively frequent swearer I ever met with. Protests that the canal has deprived him of many hundreds a year. He used to have \$100 for guiding one through the falls, up and down. Mr. C. took me into the steamboat Henry Clay. Surpassed all that I have before seen of splendor and commodiousness in steamboats. No berths in cabin; all staterooms. Nothing on the Hudson or Long Island Sound can compare with it. The North America is said to be still more magnificent; the Homer yet superior; and the Persian to surpass all others. The N. A. and Homer are lying here. Went to Galt House, a new and elegant hotel, almost vieing with the Tremont of Boston. Walked over it, and from its top had as good a view of Louisville as the cloudy sky would allow. There is great dearth of handsome buildings. The City Hospital, south from the Galt House, is the only other one that strikes the eye. Four banks, mothers or branches; streets run parallel to river, and at right angles to those.

The former have arbitrary names, (1) Water Street, (2) Main, (3) Market, &c. The latter are numbered, beginning just above the Galt House with 1st Street; just below is 2d Street; then 3d or Pearl Street, &c. Some above 1st have arbitrary names, Clay, Adams, &c.

They had waited dinner an hour for us at Dr. C.'s; we had dined in the Commerce. Supped at Dr. C.'s, and sat till 9. He is communicative and experienced, moderately intelligent; knows much of the courts of Kentucky, history, and great men. Says the greatest (meaning the most strong-minded) that she has produced was Jesse Bledsoe, once a Judge. Intemperate drinking ruined him; learned and eloquent. Argued causes when drunk, and with overwhelming ability. As judge was often drunk upon the bench. Left Kentucky at last, and settled as lawyer at —, Mississippi, wherefor a while he gave tokens of entire reformation. But he began to touch and taste again. Then his relapse was speedy. He fell from a high stand and lucrative practice into contempt and poverty, and at length crossed over to Louisiana where at Natchitoches, last spring or summer, he died. Dr. C. knew Barry intimately. He was eloquent, especially in a stump speech, but too tempestuous. A leading partisan of the Relief system, and a Judge of the famous New Court. As we sat a carriage was heard at the door, and then a knock. A gentleman entered, who told Dr. C. that in looking over the register of guests at the Galt House he had seen the name of Mr. M. of Virginia, and learning that he was here had taken a hack and come to see him. Not doubting that it was an officer, with a warrant in behalf of the Huntress captain (for I expected it here), I stepped up and announced myself. Instead of being an officer the gentleman said that he was an early acquaintance of mine, and had often seen me at his grandfather's (old Mr. Morton's), when we were children, and he had come to see me for "auld lang syne," though his place was taken in the stage by which he was to proceed that night to his home, near Frankfort. Name, William Robinson. I soon recollected him, as the son of wellnigh my earliest instructor, Martin R., a good Scotchman, whose teaching of 26 years ago I still remember with pleasure and gratitude. The twenty-five minutes which my old acquaintance could stay were spent in a crowd of inquiries after our common friends; and he then took his leave, with a cordial invitation to me to visit him. Such an instance of kind remembrance in one whom I knew very slightly, and had not seen since my eleventh year (1813) was of course very gratifying, and Dr. C. said it was "extra-or-di-nary," — such, added he, "as only a Kentuckian would practise." Walked or rather waded to my lodging at the Galt House at 9, despite the almost forcible opposition of Dr. C. and his house. A bed had been made ready for me before night, &c., &c. Shewn to a warm room in the fourth story. To bed at 12.

*Saturday, Dec. 17.* Up at 8. To wharf. Huntress there. Dr. C.'s, by appointment, to breakfast. Walk; water in streets all turned to ice; and very cold. The morning papers state a rumour that to succeed Mr. Clay (who declines a re-election to the United States Senate) a Mr. John L. Helm has been chosen by the Kentucky Legislature, a man whom Dr. C., Jr., never heard of and Dr. C., Sr., is not sure that he knows anything about, though he thinks the name is not unfamiliar. It cannot be. Mr. C. bore my money to Captain Koontz, and returned with a refusal of it, the Captain saying that "Mr. M. was a d——d mean man, who had left the boat without paying his passage." He would accept nothing less than \$8, and I might keep my money. Agreed. Chief lawyers of Louisville, Mr. Guthrie and Mr. Rowan. A Chancery Court for the city is held by Bibb, Chancellor; the only separate one in the State. Saw several of my Huntress fellow passengers at the Galt House. To Dr. C.'s to dinner, having engaged to embark in the Moravian, which goes at 4 p. m. Dr. C.'s story of Mr. Briton, Episcopal clergyman of L., cured of cholera by calomel in doses of 3 ounces each, to the amount of between 3 and 4 pounds, administered by Dr. Cook, Clinical, &c., Professor in Transylvania University. Dr. C. doubts Mr. B.'s accuracy, but says calomel is dealt out in Western practice with a profusion that would astound Eastern practisers; *ex. gr.* 10 or 12 grains every two hours, for 24 or 36 or 48 hours, so that the patient would in two days have taken 200 grains or more.

Leave of friends. Saw and shook hands with Mr. James C. Campbell of Geneva, New York, to whose politeness I owed the only seat at the first table which I had in the Huntress. He is going to the S. W. in quest of fortune; thinks of going with General Houston to Texas. Went on board the "Havana," which was just starting downward; saw Mr. Murdoch and his sister, General H., and others; pressed and wished to join them, but trunk on Moravian, and name set down. M. not start tonight. Supper on board. Captain, gentlemanly and sensible. Tonnage calculated by multiplying keel, beam, and depth of hold, and dividing last product by 96. Captain says M. is of 800 tons, but as her keel is 153 feet, beam  $32\frac{1}{2}$ , depth 8 (by his own account and rule of calculating), the tonnage is but  $455\frac{1}{2}$ . Seven boilers cylindrical, horizontal, parallel; 24 feet long, 34 inches diameter, one flue to each of 14 inches diameter; some have 5 flues each, 2 of 12 inches at bottom and 3 of 8 inches on those. Top of uppermost flue should be about half way up boiler, and water over it, so as to leave about one third of boiler empty, for steam to be formed. Iron  $\frac{1}{2}$  inch thick. When boat tilts so as to uncover flue it takes twenty or thirty feet to heat so as to cause explosion. Fifteen firemen in three watches of five each, 4 hours at a time. 18 to 21 cords of wood daily going down river; 24 to 26 going up; \$3 to \$3.50 a cord. Coal next year, from

mines down the river ; better than wood. A Michiganiau is aboard going to Texas, recruited by Colonel — of Louisville ; his name, — Pardee ; has a brother, — Pardee, on Grand River turnpike, 24 miles from Detroit, whom he says I must visit if I go thither. I would be pleased with his neighbor — Sherman. Tells me of a mill used in M. wrought by fall of 18 inches, works under water. Slept in steamboat, bed hard, and berth cold.

*Sunday, Dec. 18th.* Post Office, to put in letters written last night. Streets icy. Passengers began to come in. T. Bankhead, Ben. Winn, Nat. Wolfe. B. and Winn did not come to terms with captain. Wolfe stops here. Mr. William S. Archer and Mr. Barksdale, 6 ft. 1½ in. high and straight as a West Point cadet. Great crowd and bustle. Turkeys in coops ; pork in barrels, and separate hams ; passengers ; and young Durham cattle, one intractable, pulled and driven on board with difficulty. Another missed the planks and swam round several steamboats in the river and through ice, but was saved and brought in unhurt ; horses, &c., &c. Visit to barber's shop. Mr. Cochran came to get advice respecting administration in Virginia and proceeding to effect sale of infant's land. Gave it in writing. A gentleman going with goods on freight to New Orleans, pays for a barrel of pork weighing 300, \$1.25 ; keg of lard (60 lbs.) 20 cents ; other goods 75 cents a cwt., and gets his own passage gratis. Dinner. Leave wharf and enter canal ; several hours in passing it, many hard rubs and scrapes ; it is now a little over 6 feet deep. We draw 6 feet water. Got through before bedtime ; and I went to sleep while repairs were doing to the wheels broken in the passage, a thing of course. Borrowed and read a Richmond Whig of Dec. 9. Lieutenant Governor (Wyndham Robertson's) message. In Portland one of our passengers reports that he saw just now a young man (of 21) named Porter, 7½ feet high, spare and weak, very good-natured. Long conversation with Mr. Archer, who is in bad health. His proscription by the dominant party among his constituents for a generous assertion of his honest opinions (erroneous though some of them are), and still more his bad digestion embitter him transcendently against that party. Of General J. he speaks with pity, contempt, and animosity so mingled as to produce virulence unique in its kind and extravagant in its degree. "Delirious despot," "insane dotard," &c., are specimens of the epithets applied. Denies him talent, even the quality of knowing mankind well. Says his success is due to what the French call *caractere*, decision and energy. Audacity, moral and physical, is a leading ingredient. Mr. A. doubts of Mr. Jefferson. P. B. B., mind dialectical, prone to demonstrate the plainest propositions according to the forms of logic, like Hudibras. Contrast of Judge Marshall. Mr. Rives more statesmanlike in his mind, but not more sincere. Agreed that B. is entirely sincere in his opinions ; perfectly



honest, but tremblingly afraid for his popularity. Mr. A. talks capitally; a stenographer might confidently put down every word he utters with the certainty of making sentence after sentence neat, correct, forcible, often elegant. To bed at 11.

*Monday, Dec. 19th.* A pleasant and warm night's rest. The steward had given me a second mattress and a third blanket. Found that we had gone but 20 miles during the night. Up before sun, at ringing steward's bell which effectually banishes sleep. Clean towels, a thing contrary to all my steamboat experience. Breakfast. Mr. Key and our Huntress adventures. Long conversation again with Mr. A. Dr. Channing on Slavery he was reading. Admires Dr. C., and forgives him his fanaticism because it is so sincere and comes from so pure and great a mind. Thinks Dr. C. only needs to live in a slave country to see at once that slavery is a necessary condition of human things, and that it is that form of existence in which the lowest labouring class is always happiest. Deems slavery a positive good, and exclaims with contempt and disgust against those dreaming bigots, those imbecile visionaries, who after the fervour of youth is past continue the folly of hoping for universal liberty, intelligence, and happiness. He would not respect a young man who had not those dreams; but he who cherishes them in mature age is to be contemned as unteachable by fact and experience. Mr. A. satisfied that popular government cannot last, that despotism, or at least monarchy, is the inevitable political lot of man. Mr. Jefferson again. Demagoguism and its influence. Suppose a demagogue (Benton for instance) were pitted against a General Washington in an electioneering contest. B. would say to the populace, — "Gentlemen, you are the pure fountain of all power. That sovereignty, which in other countries dwells in a sultan or an emperor, in this happy land pertains to you. Office, law, constitution, all depend upon your will; office is and ought to be given or taken away, laws and constitutions ordained or altered, at your sovereign pleasure. And you are as wise as you are powerful. 'Tis fit that you should be, what you are, the vicegerents of the Almighty. Your voice is his voice. The office I seek, if conferred upon me, shall be surrendered at your command, and administered while I hold it according to your wishes." General W. would say, — "Gentlemen, I differ widely from my competitor in much that he has said. You are, indeed, the fountain of power and the ultimate framers of laws and constitutions, but they cannot rightfully bend to your will, unless pursuant to the forms which are in them prescribed. Designed to guard you and your children against your own and their own caprices, they are binding upon you, unless you amend or change them constitutionally. Your voice is the voice of God, only when it is constitutionally uttered; and even then it merits that name too often, I fear, for its potency alone, — not for its wisdom. Your instructions when regularly given,

I shall ever obey, unless they violate the constitution, but I shall deem myself chosen (if you do choose me on this occasion) to watch over your *interests*, much more than servilely to consult all your *wishes*; and it is to the former far rather than to the latter that I shall direct my vigilance and my powers." "Can there be a doubt," says Mr. A., "that Colonel B. would carry nine out of ten of those votes against General W.?" John Randolph never chose a friend in his life from elevated motives. Made Benton his second against McDuffie from a grovelling one. Had no respect for B. Mr. A. was one of a very few who knew J. R. thoroughly. Avarice made him take the Russian embassy. It was his besetting vice. He pined to visit England, especially at free cost and in some high official capacity. He distinctly had permission from the executive to stay in London after a short residence at St. Petersburg. No question that the remembrance of his having yielded up his long and vaunted character for disinterestedness haunted him like a spectre.

Snack, or cold collation, furnished to passengers at  $11\frac{1}{2}$ ; crackers, cold bread, butter, cheese, tongue, dried beef, venison, bacon, ham, almonds, raisins, apples. Then dinner at  $\frac{1}{4}$  before 3. 'T was too much. Evening, Captain Newcomb, late of United States army (a passenger) made up to me and asked if I was related to Mr. Minor (meaning Charles) late of the army. "Yes." He knew C. intimately, and of course esteemed him highly and liked him well. Wine party after dinner. Mr. Archer's apology for not asking me to join, badness of the wine. More of John Randolph. His unrivalled oratory. Mr. A. deemed him a great consulter of stage effect. His most admired speeches in the Virginia Convention shewed it. Mr. Secretary Cass, — deceitful, intriguing, covetous. Attorney-General Butler, — Mr. A. agrees with me in thinking so highly of him as even to consider his attachment to Van Buren a redeeming point in the latter's character. Met steamboats Mississippi and George Washington going upward. Bed at  $10\frac{1}{2}$ .

*Tuesday, Dec. 20th.* Up at 7. Shaved in a dark corner, with some help from a mirror. Mr. A.'s wonder at the achievement. "You are a remarkable man, sir." Took care not to let him know that I was shaving with cold water, or that I could, and often did, shave without a glass. Breakfast, good, as usual. Conversation with a Kentucky farmer, on hemp, the Kentucky staple. Snack; dinner. After dinner Mr. A. came to me, and insisted on my sitting down to some wine (villainous wine) which he and some others were discussing. Joined them for their talk's sake, and sipped for apparent conformity. Conversation dull, flagged because most of its supporters were accustomed to rely upon wine to stimulate their powers, and this now failing them (by its vileness) their wings flagged of course.

The day rainy. Towards evening some snow, and a change of wind to N. W. It then grew suddenly cold. Passed Mt. Vernon, Indiana. A large distillery. Curious pump wrought by steam. A clever Louisiana engineer, whose awkward gait and dress had struck me for two days, and who had not before shewn anything of the talent within him, went ashore and reported a remarkably intelligible account of the pump's construction and *modus operandi*. A common forcing pump raised the water to its utmost height in a tube to a vertical cylinder, where two wheels, with broad-leafed cogs of cycloidal form and playing into each other, passed it on to a horizontal tube which conducted it where it was wanted for the distillery. Steep railway for lading and unlading boats. Many barrels whiskey taken aboard.

Much conversation with Mr. Archer again. Col. Richard M. Johnson the chief subject. Mr. Archer agrees with others whom I have heard say that Colonel J. is very like old Mr. W. P. of Powhatan, in person, the grade of his intellect, and the character of his good nature. It was wholly impossible that he could write the Sunday Mail reports which were published as made by him. A Doctor who lives in Colonel J.'s neighbourhood sat by during Mr. A.'s tirade of this evening, and seemed abundantly amused at it. He says there is no earthly doubt of the truth of the current stories touching Colonel J.'s domestic relations. The Doctor has practised in his family, and gave us many corroborative circumstances. We lost several hours at the distillery taking in the whiskey, and by various other stops. I and several others who intended to land at Shawneetown, wavered when we found that the N. W. wind was making the cold intense, and that it would be after midnight when we should arrive there, especially as the captain (willing, perhaps, to keep us longer on board) warned us that he could not bring his boat within a  $\frac{1}{4}$  of a mile of the shore, and that even the yawl could not land us nearer than  $\frac{1}{2}$  a mile to the town, on the solitary beach. The alternative was to land under these adverse circumstances, or go on to the mouth of the Ohio, and there in a miserable inn await a steamboat passing up to St. Louis, whence we might reach the interior of Illinois. The latter plan was likely to be defeated by the formation of ice which would stop navigation in the Mississippi. We went to bed at 11 $\frac{1}{2}$ , desiring to be waked at Shawaneetown, when we should land or not, as our feelings might then prompt.

*Wednesday, Dec. 21st.* Waked at 2, to be set ashore if we chose. Several determined to land. So did I; and then two others who had left it to me to decide for them. These were Thompson, a Massachusetts man (from Northampton), now of Tremont, Illinois, and Chapin from near Chicago. Six of us and our baggage were put into the yawl, and the second mate with two stout oarsmen appointed to carry us ashore, about  $\frac{1}{4}$  of a mile. Wind at N. W., very keen and strong.

Boat deck, steps, gunwale, yawl, with its bottom and oars all full of ice. Immense sheets of ice too, partly fixed, partly floating, between us and the shore. Pushed off. Driven by wind slantingly upward, so as to get among the ice, which, indeed, at any rate could not have been altogether avoided. Great difficulty in breaking out of it into clear water, but by pushing against with poles, and plying the oars vigorously, we at length succeeded. Never before did I hear such swearing as from our mate. The pilot in the hack at Louisville was nothing to him. The men, too, swore, but theirs were mere "sarsenett oaths," mere skimmed milk, to his. It seemed to increase their energy, however, and after tugging for about fifteen minutes they landed us sure enough full half a mile from any house. Our trunks were placed on the strand some feet above the water, but below the high bank of the river, while we hurried in the direction shewn us as that of the town, to seek fire and shelter from the biting wind. Nearly the whole face of the ground seemed ice. At length reached a shabby-looking house, with a tavern sign hanging before its door. Entered the porch. Stamped, knocked, kicked, and called to those within, but all in vain for at least twenty-five minutes, when a young man opened a door and let us into a room where, close to a fire consisting of one nearly consumed log, lay a dirty-looking mulatto man. Roused him with difficulty, and bringing in some wood and chips which we found in a back yard, we soon made a good fire. The wood was thoroughly wet, too; and its [*cetera desunt*].

Mr. GEORGE B. CHASE then said: —

Mr. President, — At our last meeting, when Copley's portrait of Paul Revere at his bench was the subject of conversation, a remark was made which seemed to indicate a belief that the refusal by the present representatives of the Revere family of Mr. Goss's request for permission to photograph Copley's portrait for publication, as an illustration of his new *Life of Paul Revere*, might be due to motives of false shame.

I should not now recur to that conversation were I not sure from a recent talk I had with a member of that family that no such thought or motive has ever governed their action in refusing permission, as in the recent case of Mr. Goss's request, to allow a copy of that portrait for publication. For while Revere's descendants are properly proud of Copley's portrait of their most noted ancestor, they are governed by the wish of the late head of their family, as expressed before his death, which was, as the portrait of Paul Revere at his

bench had not been exhibited publicly, so it should not be hereafter, but that it should continue to hang, as it long has hung, upon the walls of one of the principal rooms of the family residence, where the members of the family, their friends and guests, might readily see it.

The motive which influenced the late Mr. Revere to this decision is both intelligible and respectable. He was a modest, retiring man. Publicity or distinction on account of his family, or the exhibition of anything relating to its history, was utterly distasteful to him; and so he left Copley's portrait of Paul Revere to his descendants, to be, as I have said, neither exhibited nor concealed.

The death of Rev. Dr. Eben Edwards Beardsley, a Corresponding Member, which occurred at New Haven, Connecticut, Dec. 21, 1891, was announced.